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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States Parties due in 1993

Addendum

CROATIA

[8 November 1994]

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Annex: Report on violations of the rights of the child during the war*

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* Reproduced, in a separate document (CRC/C/8/Add.19, annex), as received in English from the Government.

I. GENERAL FRAMEWORK

A. Introduction

1. The Republic of Croatia, as a legal successor to the former Socialist Federal Republic of Yugoslavia, took over into its legal system the Convention on the Rights of the Child by the Notification Act, on the basis of the Constitutional Decision on the Sovereignty and Independence of the Republic of Croatia of 25 June 1991 and the Decision by the Parliament of the Republic of Croatia of 8 October 1991. The succession has been thus in effect since 8 October 1991 when the Republic of Croatia took over its international obligations and severed all constitutional and legal connections with the Socialist Federal Republic of Yugoslavia. The Republic of Croatia has expressed reservations to article 9, paragraph 1, because the internal legislation provides for the guardianship authorities (social work agencies) to decide on denying parents the right to keep and raise the child, without prior court procedure.

2. This report has been prepared in compliance with the General Guidelines concerning the form and contents of the first report which the contracting States are obliged to submit according to article 44, paragraph 1 (a) of the Convention on the Rights of the Child. The report data have been collected from the ministries and agencies of the Croatian Government concerned with the child's rights issues and keeping official records, as well as a number of NGOs which support or satisfy the children's needs in different ways.

3. The first two parts of the report contain the general framework with respect to land and people (Part I) and evaluation of the general state of child care in Croatia (Part II), followed by a review of compliance with the requirements of individual articles of the Convention (Part III) with a detailed description of the special circumstances in which the rights of the child are exercised due to the special conditions in the Republic of Croatia.

4. The annex to the report providing more details of the special needs of children in Croatia is printed as a separate document (CRC/C/8/Add.19, annex).

B. The basic figures

5. The overall state of protection of the child's rights has deteriorated over the past two years (1992-1993). In many areas the level of child care has decreased. This negative development was brought about by two basic causes:

(a) The first and worst cause was the war that started in 1991 with the aggression of the then federal Army against Croatia and in favour of Serbia's hegemonist interests and pretensions to the whole of the territory of the former Yugoslavia.

(b) The second cause is related to the changes in the political and economic system in Croatia after the first multiparty elections (1990). The experience of all European post-Communist countries confirms the fact that the change in the social organization causes social disturbances (decline in production, standards of living, employment, etc.) even under peacetime

conditions. The casualties and destruction in Croatia have, however, additionally and significantly impeded the changes necessary in all spheres of life.

6. The disastrous consequences of the war against Croatia and their effects on children, who are helpless victims, are specified below in this report (especially in Part III.H.1). It should be noted that Croatia still has not assumed full sovereignty over about 25 per cent of its State territory within its internationally recognized borders. Two things should be mentioned with respect to this fact. First, the territories in question are United Nations Protected Areas (UNPAs), so this report does not refer to the state of human rights of the population living there. The State of Croatia cannot obtain data from these areas or act to protect the rights of children living there, although they, too, are citizens of Croatia - some of them being Croats, but most of them belonging to the Serb minority. Second, the Croatian public is less and less prepared to put up with the fact that it is precisely from the UNPAs that the adjacent settlements and even major towns are still being shelled and the civilian population endangered, whom the Government can neither fully protect nor provide the basic conditions for normal life.

7. It is of vital interest for Croatia to comply with the requirements of the Convention as soon as possible under peacetime circumstances, since it has personnel and other resources which enable it to maintain the European Union (EU) standards for the protection of children. Within the former Yugoslavia, Croatia was second only to Slovenia with regard to the degree of development and many other indicators, thus being placed before all other federal units.

8. The implementation of the Convention has special importance for Croatia because of the negative demographic development and trends which have lasted for several decades now in Croatia. The 1991 pre-war census recorded negative population growth figures, i.e. 3,003 or -0.6 per cent (number of live-born children per 1,000 inhabitants). That year the number of live-born children was 10.8 per thousand, and the number of deceased persons was 11.4. The table shows that the natural population growth rate is constantly decreasing, being twice as low as in 1959. Experts are predicting further negative growth figures, given the number of the killed, the disabled and missing during the war, with some of the trends surfacing as late as in 10 or more years, as a consequence of children having been killed, wounded or disabled during the war.

9. In spite of the negative population growth caused by the war, in 1990, 1991 and 1992 the Croatian health-care institutions recorded an increase of the number of women who gave birth to their third child. While in the 1983-1988 period their share in the total number of births was between 8 and 9 per cent, in the last three years it has gradually risen (1990 - 9.83 per cent; 1991 - 11.63 per cent; 1992 - 12.96 per cent).

Children

Year	Aged 0-4	Aged 5-9	Aged 10-14	Aged 15-19
1991	280 056	314 697	331 426	326 290
1981	326 696	321 116	315 888	335 788
1971	312 035	332 242	358 212	392 194
1961	361 264	388 673	382 130	292 925

According to the 1992 Statistical Yearbook of the State Institute for Statistics, in Croatia there were 1,252,463 children (aged 0-18), making up 26.18 per cent of the total population.

10. Most women have given birth to two children (from the total of 1,421,698 women who gave birth to a child in 1990; 648,193 of them had two children; 381,016 had one child; 210,798 had three children; 83,793 had four children, etc.).

11. In 1991 most children were born to mothers in the age range of 20 to 24. The fertility rate within this age group is the highest (131.0; the rate within the age group 25 to 29 is 110.4; the rate within the group below 15 is 0.0). The fertility rate has gradually decreased over the past five years (1986 - 52.8; 1987 - 52.1; 1988 - 51.5; 1989 - 49.0; 1990 - 48.5).

12. In spite of the bad economic conditions and financial difficulties of the health-care system, Croatia has a low rate of infant mortality (1990 - 10.67/1,000; 1991 - 11.09/1,000; 1992 - 11.62/1,000) owing to well-developed prenatal, post-natal and paediatric care for the newborn and infants. The mortality rate for older children in 1991 was: aged 1 to 4 - 0.4; 5 to 9 - 0.3; 10 to 14 - 0.2; 15 to 19 - 0.6. The figures for 1992 were: aged 1 to 4 - 0.5; 5 to 9 - 0.4; 10 to 14 - 0.3.

13. Changes in family life have affected the nuptiality rate (number of marriages per 1,000 inhabitants) causing it gradually but constantly to decrease over the past 10 to 15 years (1980: 7.3; 1991: 5.9). Such a phenomenon is usually accompanied by a simultaneous increase in the number of children born out of wedlock, but in Croatia this is still not happening to any significant extent. Of the total number of live-born children in 1980, 5.3 per cent were born out of wedlock (1990: 6.9 per cent).

14. The divorce rate (number of divorces per 1,000 inhabitants) was 1.1 in 1980 and remained the same in 1990, thus being rather low when compared to most European countries.

15. After a divorce, children are most often entrusted to their mothers. As a rule, children born out of wedlock do not live with both parents, but mostly with their mothers alone.

16. The number of incomplete families (single-parent families) has significantly risen within the refugee population, mostly because of the large number of men taken away by force during the war who have been reported missing.

17. Women made up 43 per cent of the total number of employed persons in 1991.

18. In 1990/91 there were 930 kindergartens and other preschool institutions in all, with 87,959 children and 5,619 kindergarten teachers, as well as 8,746 children in pupils' hostels with 377 counsellors.

19. In 1990/91 there were 2,026 primary schools in all, with 17,561 classes and 431,568 pupils. In the same school year there were 182 secondary schools with 6,320 classes and 185,498 pupils. Girls made up 48 per cent of the total number of pupils in primary schools, and 50 per cent in secondary schools.

20. In Croatia there are 17 regular music and ballet schools with 1,713 pupils, of whom 66 per cent are girls (1,139).

21. In the 1990/91 school year there were 48 primary schools for disabled children and teenagers with 3,315 pupils (1,287 girls, or 38 per cent). There were also 21 secondary schools for disabled pupils with 1,094 pupils (455 girls, or 41 per cent).

C. Core document of Croatia

22. For all general data for the report concerning information on the country and its population, political structure, legal framework within which human rights are protected and all other information, please refer to the Core Document of Croatia (HRI/CORE/1/Add.32) of 18 March 1994.

II. INFORMATION CONCERNING THE ARTICLES OF THE CONVENTION

A. General measures for the implementation of the Convention (arts. 4, 42 and 44)

1. Measures taken to bring the national legislation and policy into conformity with the provisions of the Convention

23. The change of the social system has been slowed down on account of the war. This is especially true of the legislation, since in Croatia it is not a matter of reforming the existing but rather of creating a wholly new legal system in general. The first step in this direction was the promulgation of the Constitution of the Republic of Croatia (December 1990). In the section of the Constitution providing for the fundamental freedoms and rights of man and citizen there is a new provision that obliges parents to provide for a child's right to the full and harmonious development of his or her personality.

24. In addition, the Government guarantees special protection to children, while the Constitution prescribes additional care for children without adequate parental care and children with special health or social needs.

There is, however, no explicit provision on the child's rights, because at the time the Constitution was being drafted, the Convention had not yet been ratified and published in the Republic of Croatia.

25. Nevertheless, the constitutional provision that places the multilateral international treaties above individual laws is relevant for the implementation of the Convention. This means that the competent government agencies are authorized by the Constitution to apply the Convention directly, without waiting for the necessary changes to the relevant laws.

26. After the Constitution was promulgated, the special Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or Minorities in the Republic of Croatia was passed in 1991. By this legal document, the Government additionally committed itself to respect and protect the ethnic and other fundamental rights and freedoms of man and the citizen of those Croatian citizens who belong to ethnic and national communities or minorities (for details, see sect. H.4 below). The Government committed itself in this respect by referring to the most important international documents, among them the Convention on the Rights of the Child.

27. Bringing the national legislation into conformity with the provisions of the Convention is a component part of the general process of creation of the new legal system. During 1992/93, the Social Welfare Law was drafted, as well as new criminal legislation, while family legislation is expected to be passed by the end of 1994. The requirements of the Convention were taken into account throughout.

28. Croatia still has no national document (of the Government or the Parliament) to define State policy towards the family and children. At the moment its top priorities are: care for the wounded and the families of those killed in the war, and the reconstruction of destroyed property (homes and production facilities), as well as accommodation of a large number of displaced persons - Croatian citizens and refugees from Bosnia and Herzegovina.

2. The existing and planned national and local-level mechanisms for coordinating policy towards children and monitoring the implementation of the Convention

29. All the rights of man and the citizen and the constitutional freedoms are protected by the Constitutional Court of the Republic of Croatia, whose composition and jurisdiction are regulated by the special Constitutional Law on the Constitutional Court of the Republic of Croatia (1991).

30. Within the Parliament, there is a special Committee for Human Rights and the Rights of Ethnic and National Communities or Minorities (House of Representatives). The task of this Committee is to monitor the application of all international instruments concerning human rights, as well as of the respective provisions of the Constitution and the Constitutional Law.

31. Since the autumn of 1993 the above-mentioned parliamentary Committee has had a special working group composed of experts in various fields. The expert

group was formed to evaluate draft laws in the parliamentary procedure from the aspect of children's interests and needs. The task of the experts is to draw attention to possible defects in the draft laws under consideration with respect to the requirements of the Convention. In addition, they can recommend to the Members of Parliament in the parliamentary Committee for Human Rights to address the Government at parliamentary sessions with questions and objections concerning the observed failure to protect the rights or certain needs of the children.

32. Beside the parliamentary Committee for Human Rights and the special Expert Group within it, there is no other national coordination mechanism for the implementation and monitoring of the application of the Convention. However, there are other committees in the Parliament (e.g. the Committee for Labour, Social Policy, Health Care, Family and Youth) which take into account the interests and needs of children and families.

33. At the moment, the Convention is being implemented and its application monitored within the individual fields of competence of the Government of the Republic of Croatia and its ministries (health, labour, education, justice, administration, etc.). The state of emergency brought about by the enormous influx of displaced persons and refugees to the territory of the Republic of Croatia made it necessary to create a special Government Office for Displaced Persons and Refugees to take care of this category of the population, among them displaced children and child refugees as well. With respect to the organization of the State administration and judiciary at the regional or local level (counties or municipalities) there is government agency influence on the application of regulations and measures for the protection of children.

34. Within the judiciary system all major municipal courts, as well as the Attorney-General's Office, have special departments for dealing with under-age offenders.

35. The war gave rise to the creation of the Government Office for the Victims of War and within it the Commission for the Collecting of Data on Young Victims of War.

36. There are also a number of non-governmental organizations (NGOs) which support, mostly in terms of supplies, the children who lost one or both of their parents in the war (e.g. "Dora", "Suncokret", "Fond kralja Tomislava", etc.). Beside these organizations, the "Nasa djeca" Society (and within it the recently established Committee for the Rights of the Child) has been taking special care of children for a number of years by organizing various social campaigns for the benefit of children.

37. In judiciary terms, the defect of the legal system lies in the fact that it does not provide for the existence of specialized courts for children (or at least for family issues) which through their own organization and specialized personnel would provide the maximum protection for children in civil and criminal lawsuits. The Law on the Juvenile Court Jurisdiction is being drafted presently and will contain provisions concerning the treatment of under-age offenders from the aspect of criminal law and the law of criminal procedure.

38. The popularization of the Convention and informing adults and children about its principles, provisions and requirements is going well, although it has not been systematically organized by any central authority. Several NGOs published translations of the Convention on their own. The UNICEF Office for Croatia and Slovenia published the Convention for wide distribution free of charge (1993). On the occasion of Children's Week, a copy of the publication "First Call for Children" was handed out to the MPs at the regular session of the Parliament. Prior to this, at the presentation of the booklet in Zagreb, the text of the Convention was distributed among the numerous guests and representatives of various organizations and services. The same publication was distributed by the Ministry of Labour and Social Welfare to all social welfare services and child-care agencies.

39. The media also occasionally cover individual topics from the Convention. Most such reports were broadcast by the Zagreb Radio Station in its educational programme.

40. A direct way of popularizing the Convention, especially in terms of its availability to children, should have been a cartoon about children's rights. A preliminary project was even made, but it all stopped for lack of funds. Occasionally, there are special exhibitions on the subject of the protection of children's rights (e.g. an exhibition about the danger of unexploded military items).

41. The making of this report was coordinated by the Ministry of Labour and Social Welfare, with consideration of the data and evaluations by other competent ministries, government offices, NGOs and experts on children's rights.

42. The text of the report will be made available to the parliamentary committees, the State and other organizations competent in the field of human rights protection or undertaking measures to help children or satisfy their needs. In order to inform the public about the contents of the report, the press, radio and TV-coverage is planned, as well as the distribution of copies of the report to the University and National Library (Zagreb) and all university reference libraries (Zagreb, Osijek, Rijeka and Split).

3. International cooperation

43. Simultaneously with the entering into force of the Convention, the necessity of the global protection of children by becoming a party to other regional or general international instruments was realized in Croatia and it joined all the conventions on human rights with a view to applying them to children as well. In addition, Croatia signed the Hague Convention on the Civil Right Forms of International Kidnapping in 1980. Croatia has applied for membership in the Council of Europe with the wish to ratify, as a member of all bodies of the European Union, all European conventions and include them in its legal system. In the field of child protection this applies primarily to the conventions on adoption, alimony, taking children away, etc. It should be noted that following the trends in European legislation, Croatia amended the adoption section of its Law on Marriage and Family Relations as early as 1989, in conformity with and even exceeding the standards of the European Convention on Adoption.

44. As for bilateral treaties, Croatia as a newly established State has yet to offer its cooperation to neighbouring European countries in resolving possible collisions of law and respective rights. So far several treaties with some of the neighbouring countries (e.g. Hungary and Slovenia) on friendship and support in legal matters have been signed as the first step towards comprehensive cooperation (which may include children's issues as well).

45. The UNICEF programme for Croatia provides financial assistance for the implementation of various rights of the child (e.g. to medical supplies, vaccine, food, clothes, etc.).

46. In the context of cooperation with UNESCO, an international Seminar on Global Education for Mutual Understanding, Tolerance, Peace and Human Rights was held in Osijek at the beginning of 1993.

47. There is also a UNESCO associated schools project. UNESCO is active in Croatia with its SHARE programme as well, helping to provide education for displaced and refugee pupils in some of the refugee camps.

48. The Ministry of Labour and Social Welfare is preparing, on behalf of the Croatian Government, the celebration of 1994 as the Year of the Family by various scientific gatherings and workshops, in order to remind the public of the role and importance of the family for its members, especially for children.

B. Definition of the child (art. 1)

49. In the Croatian legal system the status of the child (or minor) lasts until the child becomes 18. After that he or she comes of age and acquires his or her full working capability; according to the provisions of the family legislation, the right of the legal representatives (parents, adoptive parents, guardians) to represent the child ends at this point in time. The right to vote is also acquired on becoming 18.

50. Primary school education is obligatory for all children (constitutional provision) for a period of eight years, according to the existing legislation. As a rule, this education lasts from age 6 to 15. Exceptionally, it is possible to prolong primary school education for disabled children until they are 21.

51. Parents are obliged to support their minor child. When the child comes of age this obligation expires (with two exceptions: in the case of the child's regular education, the obligation lasts for the whole duration of it; in the case of the child coming of age but being incapable of working due to illness or physical and mental disability and without sufficient means to support himself or herself).

52. A minor may get a job (without the consent of his or her legal representative) on becoming 15 (labour legislation). The Constitution forbids forced child labour before the legally determined age and on jobs injurious to their health. The employed minor is entitled to freely dispose of his or her

earnings, and this part of the child's possessions is not to be managed by the parents. The minor is obliged to contribute from his or her earnings to his or her support.

53. As a rule (family legislation), no person under 18 can marry. Exceptionally, minors (of both sexes) can marry with a court licence. In this case they must be at least 16 (equal for both sexes), with the additional requirements that the minor is mentally and physically mature enough to be married and that such an early marriage is justified. In the court procedure the parents of the minor are heard but their (or the guardian's) consent is not required. The court takes into account the opinion of the parents and is also obliged to ask for the opinion of the social welfare service. The minor himself or herself, and not his or her legal representative, has to apply to the court.

54. There are also some other cases when the minor who has turned 16 is entitled to give his or her consent on his or her own behalf, without being represented by his or her legal representative (change of name, consent to adoption, admittance of fatherhood and the last will; for details see C below). The last will can be made by any mentally capable person over 16 (Inheritance Law).

55. According to the provisions of the Basic Criminal Code of the Republic of Croatia, the child is a person who has not turned 14 at the time of committing an offence. No criminal sanctions can be applied to such minors. The minor who at the time of committing a criminal offence already was over 14 but under 16 (junior minor) may only be subjected to correction measures, whereas the minor who at the time of committing a criminal offence was over 16 but under 18 (senior minor) may be subjected to correction measures under the conditions provided by the above-mentioned law and, exceptionally, may be sentenced to imprisonment for minors.

56. Children's health insurance covers the period until their fifteenth year; if they continue their regular secondary or university education, they are covered until they finish it. Health-insured children who interrupt their regular course of education on account of illness or injury are entitled to the insurance for the duration of the illness or injury.

57. The criminal legislation lists a number of criminal offences against minors, such as mediating in prostitution, showing of pornographic publications, infanticide, encouragement to suicide and acting as an accessory, kidnapping, sexual intercourse with a child, unnatural fornication, satisfying lust in front of a child, pandering, living out of wedlock with a minor, violation of the obligation to support a child, taking a minor away, abandoning a child, neglect and abuse of a minor, preventing and not implementing measures for the protection of minors, and violation of the confidence of procedure.

58. The minor as a witness in a criminal procedure is protected by the provision according to which the court cannot call as witness the minor who on account of his or her age and maturity level is not capable of fully comprehending the meaning of his or her right not to give testimony, unless the defendant himself demands it.

59. According to the Law on Defence of the Republic of Croatia, children under 18 cannot serve as conscripts in the Army.

60. According to the existing legislation, it is prohibited to sell and give alcoholic drinks to children under 16. The law failed to include children from 16 to 18 in this provision, but new regulations are being prepared to rectify this.

61. According to the existing law, children under 18 are denied access to gambling establishments and gambling machine parlours.

62. In order to help minors and inform them about the methods and advantages of family planning through various social activities (health care, education, social welfare), numerous guidance centres have been established.

63. As for the right of the minor to drive vehicles, the law does not allow minors under 14 to drive bicycles on public roads, with the exception of children specially trained to drive bicycles or horse-drawn vehicles; as for driving motor vehicles (cars), the law does not allow minors under 18 to take driving tests or drive a motor vehicle. Exceptionally, a minor may be entitled to drive a motor cycle upon turning 16 or 14 respectively (depending on the engine volume).

64. The defect of the legal system of the Republic of Croatia lies in the fact that it does not, through adequate regulations in the field of information, protect children from the possibility of buying and using publications harmful to their correct upbringing and development.

C. General provisions

1. Non-discrimination (art. 2)

65. The Constitution of the Republic of Croatia guarantees all rights to all the citizens of the Republic of Croatia, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status or any other properties. The Constitution also stipulates that all citizens are equal before the law.

66. Beside the constitutional prohibition of discrimination, criminal sanctions are foreseen for perpetrators of the offence of the "violation of the equality of citizens".

67. Children born out of wedlock have enjoyed the same rights in the Croatian legal system as the children born to married parents for more than 40 years now. However, for the child to exercise his or her rights with respect to his or her father (and the relatives from the father's side), it is necessary to establish out-of-wedlock fatherhood. According to the estimates, for about 35 per cent of children born out of wedlock in the respective year, fatherhood is determined by means of admission. The mother and the child are entitled to institute court proceedings for determining fatherhood, according to the family legislation. The number (percentage) of children born out of wedlock whose fathers remain unknown (because the children were not acknowledged and the court proceedings for determining fatherhood were never instituted) is not

available. Such children are normally not entitled to any rights towards the father and his blood relatives (support, inheritance), but only towards the mother and relatives from her side. The family legislation was amended in 1989, and since then the mother (if she wants to) may, upon registering the child with the registrar's office, name the person she believes to be the father of her child. If the named person answers the registrar's call and declares that he admits the child to be his own, fatherhood is determined by admission shortly after the child is born. If in the course of the above-mentioned procedure there is no admission of fatherhood, the family legislation makes it possible for the social welfare service to institute court proceedings on behalf of the mother for the determination of fatherhood.

2. The best interests of the child (art. 3)

68. This provision exists as the legal term in the laws of the Republic of Croatia, and it is also taken into account in deciding on the court and administrative proceedings and involving children. This provision has a special place in Croatian family legislation as an explicit provision and the basic legal concept, since the law is based on the protection of the child and the promotion of his or her rights.

69. The provision concerning the special social protection of children is being applied to various spheres of public life. One very important aspect of child care is being realized within the framework of the family legislation: the Law on Marriage and Family Relations provides for the protection of children without parental care. The meaning of parental care in social terms is to allow every child to have a happy childhood and grow into a free, humane, moral, creative, physically and mentally healthy person able to do his or her job well and to lead a harmonious family and social life. Such goals require the parents to do their best in raising and guarding their children, taking care of their life and health, developing their working habits, taking care of their education and satisfying their needs. A certain number of parents have no sufficient interest, knowledge, perseverance, responsibility, motivation or psychological and physical strength for carrying out their parental duties. For this reason the Law provides for the right of the State to intervene through its authorities in the relations between the parents and their children, in case there is need for the protection of the child's interest. The principal State agents in such cases are the social welfare services as guardianship agencies at the municipal level. There are a number of measures to be applied in such cases.

70. The concept of the child's best interest is present in the Law on Marriage and Family Relations, functionally related to the right of the child to live with his or her parents. According to the Law, it is permitted that children may live separately from their parents if it is justified by the interest of the children. Moreover, the interest of the child is observed in entrusting the child to guardianship and upbringing - provided that the choice of the person to be entrusted with the child must be in the interest of the child. Likewise, the agreement between the parents as to whom the child will be entrusted for guardianship and upbringing must correspond with the child's interest. The decision by the competent authority on entrusting the child to a person different from the parents or to a guardianship agency shall always be dependent on the child's interest.

71. If the child does not live with both parents, the agreement between the parents on maintaining personal relations with the absent parent must correspond to the child's interests, i.e. the competent authority may restrict or forbid the maintenance of such relations if they endanger important interests of the child. Beside this, the guardianship agency, on the basis of its legal obligation and authority, may take any measures necessary to protect the child's personal and property rights and interests, the basic criterion for the choice of measures being the extent to which the child's interests are threatened.

72. The Law takes the child's rights into account if parental rights need to be prolonged, with the criterion for the court to reach its decision being the inability of the child to take care of his or her person, rights and interests (though it be of age).

73. As for the child's origin, the Law authorizes the guardianship agency, under certain conditions, to institute the proceedings for determining out-of-wedlock fatherhood when it is in the interest of the child.

74. The legal institute of adoption observes the child's interest by making the adoption conditional upon its usefulness for the child, and by the special usefulness in case of inter-State adoption. Moreover, the Law stipulates that in the course of the proceedings the court should pay special attention to the protection of the rights and interests of the minors.

75. Respect of the child's best interest may be discerned from the constitutional provision on the responsibility of the parents for the child's development, since the responsibility of the parents is directed towards providing and protecting all those interests that will make possible the child's integral and harmonious development.

76. The legal standard of the child's interest entered Croatian legislation before the Convention on the Rights of the Child, and it is already present in all the areas in which the child's well-being is decided on. Thus it represents a powerful means of checking the archaic institution of parental rights by indirectly placing more importance on the child's than on the parent's rights.

77. Children without parental care are given guardians, in the choice of whom the child's interest is of primary concern.

78. In the adoption procedure, the social welfare services are exclusively guided by the child's interest, because the Law stipulates that the adoption may be allowed only if it is useful for the child.

79. For all children primary school education is obligatory and free of charge, while secondary school and university education are available to them under equal conditions. The child's best interests are recognized in the general provision that each child must be given a chance to be educated according to his or her personal capabilities. At the moment, this right can be recognized in the more explicit division of curricula into those for average children and those for disabled children. In the last two years a lot of thought has been given to pedagogical and school pluralism, the opening of

different schools and the application of different curricula throughout the range of the education system, for preschool to university. The process of abandoning the single ideology and monolithic school system, slow in its own right since it involves the change of mental attitudes developed over the past 40 years, is additionally slowed down by the war and economic crisis in Croatia. In spite of all this, after the first changes in 1991, another cycle of changes of all laws has begun, in order to provide as many opportunities as possible with respect to the choice of schools, universities, pedagogical concepts and education systems.

80. Under the provision of the child's best interests may also be regarded the right of the child to a healthy life and environment, which is a constitutional obligation of the State and may be recognized as the requirement of the child's safety. Beside the family, schools, and especially kindergartens and infant nurseries, try to meet this requirement. Since there is not enough of these institutions, the children both of whose parents are employed, the children with a single parent and the children from poor families have the priority in enrolling. The programmes of the preschool institutions pay special attention to creating favourable conditions for the integral development of each child, for his or her safe and healthy childhood, as well as for mitigating some negative socio-economic, cultural and other effects.

81. The interest of the child is also observed in connection with the child's employment in that it is not legally permitted for a minor under 15 to be employed. Before any employment, however, a medical check-up is obligatory. Besides this, the minor must not be employed on dangerous and health-injurious jobs or work at night or overtime. They are legally entitled to a vacation of at least 25 days.

82. In the court proceedings to decide on the status and rights of the child, as well as on the responsibility of the child, the basic principle that the court has to abide by is the protection of the child's best interest. For this reason the regulations for court proceedings, both civil and criminal, oblige the court to determine the child's best interest using the expertise of the health, social welfare, pedagogical and similar professionals.

83. The minor who has not yet acquired the full extent of his working capability is legally capable of bringing a lawsuit within the limits of his acknowledged working capability (the Law on the Civil Action). Beyond these limits, he or she is represented by his or her legal representative, which could be one of the parents, the guardian or an adoptive parent. If the interests of the child and the parent legally representing him or her are in contradiction, the guardianship agency appoints a special guardian for the child to represent his or her interests.

84. As for the right of the child to health, the child's interest is protected by the provision on the right of every child to health insurance until the age of 15, i.e. until the end of his or her regular education (for details see F.3 below).

85. As for the right of the child to citizenship, the Law on Croatian Citizenship contains a number of provisions enabling a child to acquire Croatian citizenship, so as to avoid him or her becoming stateless.

86. Due to the exceptionally hard wartime and economic situation there has been a shortage of personnel in the social welfare services. The social workers and other professionals of the social welfare services have to cover a wider scope of work such as keeping records of and helping the impoverished persons, as well as of the displaced persons and refugees, so that they inevitably must neglect their work with children (and families), and the usual quality of their work diminishes.

3. Right to life, survival and development (art. 6)

87. The Republic of Croatia pays special attention to the protection of life, the providing of correct growth and development of the child, the promotion of health and providing of health care for ill children and teenagers, which can be seen from all legal regulations concerning health care. The health care institutions and private doctors comply with the provisions of article 6 of the Convention. Health care is available to all citizens, with the mother and the child enjoying special protection. The national programme of health protection measures provide especially for the protection of motherhood and preschool children within the primary health-care system of each country and the City of Zagreb.

88. The Constitution of the Republic of Croatia guarantees to every human being the right to life. Nobody may be subjected to any form of bodily punishment.

89. As for the protection of the child's rights and care, the Constitution of the Republic of Croatia explicitly stipulates that: the family is under the special protection of the Republic; the parents are responsible for providing the child's right to the integral and harmonious development of his or her personality; the physically or mentally disabled and socially neglected child is entitled to special care; the Republic pays special attention to the care of parentless minors and the minors whose parents are not taking care of them; it is everybody's duty to protect the children and the weak; children may not be employed before attaining the legally determined age, nor may they be forced or allowed to do health-injurious or immoral work; the young are entitled to special protection at work. In compliance with the constitutional provision concerning the right to a decent life and the special protection of the family, the family legislation contains provisions enabling the child to exercise the rights as defined by article 6 of the Convention (see E.2 below).

90. The right of the child to life has had an additional polemic dimension in practice. The existing medical and legal regulations allow a woman to have an abortion under certain conditions (see F.3 below). However, in the varying range of opinions on the constitutional provision about the right of every human being to life, there are opinions that abortion should be banned altogether, i.e. that the law that allows it should be abolished. A definite decision on this matter will be made by the Constitutional Court of Croatia after a detailed public discussion.

91. Since the Constitution provides for the protection, development and the rights of the child as one of the basic interests of the community at large, so does the criminal legislation, which punishes those who endanger them. According to the criminal legislation, the murder of a pregnant woman is first-degree murder, by which provision the right of the child to life is additionally protected. The status of children and minors is clearly determined in the Criminal law and the Law on Criminal Procedure. According to this determination, there are two categories of person: children (persons younger than 14 and minors in the narrow sense) and persons aged 14-18. Within the category of minors there are two age groups: junior minors (age 14-16) and senior minors (age 16-18).

92. The special status of children and minors with respect to the Criminal Law is provided by the authorities through their measures of prevention and repression in accordance with the competence and obligations accorded to them by the Constitution, the law on Internal Affairs and other regulations. The police act primarily to prevent the perpetration of criminal and other offences, striving to protect the lives and personal safety of people, property and the public order and peace, as well as to perform other tasks.

93. The programme of prevention - from the police stations and headquarters up to the ministerial level - is implemented by the police independently in various fields of their activity and in cooperation with a number of other authorities (administration, schools, judiciary and other authorities and agencies) active in the field of education, protection, care, entertainment, spare time, sports and other interests, preferences and needs of children and teenagers in the course of their development into mature citizens. In support of this objective, the police establish a programme of measures and activities to be undertaken each year in order to suppress and prevent unacceptable behaviour of children and teenagers. The purpose of these activities is identification and removal of the factors that foster criminal behaviour among children and teenagers.

94. Highly educated experts in psychology, pedagogy, law, criminology and other fields are engaged in this work. It is required that these experts have comprehensive knowledge of the biological, psychological and sociological make-up of the growing human being, in order to better understand the situations, trends and occurrences among children and teenagers and then find the best methods for protecting them and preventing them from entering on the path of delinquency.

95. In the field of detection of criminal offences, finding and catching the perpetrators and taking them before the competent authorities, maintaining the public order and peace and safety on roads, the police act so as to quickly identify the children and teenagers who have committed offences, in order to prevent them from repeating them, making reports in order to identify the causes for such behaviour. In cooperation with other competent bodies (family, school, social welfare, legal authorities) and by means of adequate measures, they try to direct the minors towards an acceptable course of development.

96. It should be noted that the authorities keep records on different criminal offences related to the violations of the child's rights such as offences against marriage, family or the young, against personal dignity and morality, as well as other criminal offences against children and teenagers. The figures for these specific criminal offences are shown in the table below.

97. In the last three years, the war, destruction and aggression against the Republic of Croatia by the Serbian army and terrorists have caused ineffable violations of rights, especially of the youngest. Many children have been killed, a large number of children have been wounded, some of the children have lost one or both parents and have been driven out of their homes. A detailed list of violations of the rights to life, survival and development respectively is enclosed.

98. From the total of 64,294 criminal offences perpetrated in the Republic of Croatia in 1991, among the 51,167 victims there were 1,083 children and 1,086 minors. In the same period, 1,531 children were injured and 60 children were killed in traffic accidents. In 1992, 91,712 criminal offences were recorded, with 74,252 victims, among whom were 1,418 children and 1,403 minors; 1,999 children were injured and 60 were killed in traffic accidents. In the first nine months of 1993, 57,259 criminal offences were recorded, with 43,899 victims, among whom there were 884 children and 976 minors; 1,332 children were injured and 52 killed in traffic accidents.

99. In order to successfully protect the lives of children in traffic, a comprehensive long-term preventive programme has been initiated by the police in an attempt to protect the lives and health of the children through a variety of measures and activities and in order to raise the children's level of consciousness about traffic safety, and the police do it in cooperation with the preschool institutions, schools and other institutions and agencies.

Review of Minors and children victims of criminal offences

Offence	1991		1992		I-IX m. 1993	
	minors	children	minors	children	minors	children
Sexual intercourse through abuse of office	1	-	-	-	-	1
Sexual intercourse with the child and unnatural fornication	3	7	7	15	6	9
Sexual misconduct	7	16	10	13	6	10
Satisfying lust in front of the child	-	3	1	10	1	5
Violation of the obligation to support the child	13	69	5	31	2	22
Incest	2	-	1	-	-	1
Taking away of the minor	-	1	1	1	-	1
Abandoning the child	-	-	-	-	-	1
Neglecting and abusing the minor	10	30	8	22	14	17
Infanticide	-	2	-	1	-	3
Pandering	-	-	-	-	1	-
Kidnapping	-	5	2	3	1	2
Change in material status	-	-	-	-	-	-
Living out of wedlock with the minor	6	-	4	-	-	-

4. Respect for the views and attitudes of the child (art. 12)

100. The Constitution of the Republic of Croatia guarantees the child, just like any other citizen, freedom of thought and the freedom to express his or her thoughts.

101. The Law on the Primary Education stresses the multipurpose objectives of the children's education, such as encouraging and developing their interest in independence, creativity, a sense of morality, aesthetic taste and criteria, confidence and responsibility towards his or her own self and nature, social, economic and political consciousness, tolerance, capability of cooperation, respect for human achievements and aspirations. Although the realization of these objectives is supposed to ensure a free and comprehensive development of the child, and though being basically a humanist education, the development of a political consciousness might be interpreted as imposing specific political views, which would by no means be in the spirit of the freedom of education of the child and the respect for his or her attitudes and views.

102. The child's right to express his or her own attitudes and wishes is ensured by a large number of legal provisions, being directly protected by the court and administrative proceedings.

103. The Law on Marriage and Family Relations respects the opinion of the child over 10 in the matter of divorce proceedings, if it is not contrary to his or her interest; with respect to his or her wish as to the parent with whom he or she wishes to live after the divorce, it is provided that the competent authority may examine the child in the absence of his or her parents and other parties to the proceedings, with an option of examining the child at a place more convenient than the court premises, even at his or her home. However, the Law does not provide for the possibility for a child to express his or her wishes with respect to having contact with the separated parent or to turn to the competent authority for a change of the decision on the custody or whenever he or she has problems with the parents. Moreover, the attitude of the child over 10 is relevant with respect to his or her agreeing to adoption. In case of adoption, the child over 10 has also to be asked if he or she wants to change his or her last name.

104. As for medical procedures (treatment and transplantation), there are no legal provisions that would make it possible for the child, taking into consideration the level of his or her maturity, to express his or her agreement with some of the medical procedures. The only thing that is stipulated is that parts of the under-age person's body may be taken for transplantation only with the consent of his or her parents or spouse or legal guardian. In case of a transplantation of parts of the human body to a minor, a valid written consent is to be given by his or her parents or spouse or legal guardian. Next time they are amended, the existing incomplete regulations will have to take into account the right of the child to his or her own attitudes in such cases, too.

105. According to the Law on the Personal Name, the change of the personal name (first and last name) requires written consent by a child over 10.

106. According to the Law on Inheritance, a minor over 16 may make a legally effective last will.

D. Civil rights and freedoms

1. Name and citizenship (art. 7)

107. In Croatia, there is a legal obligation to register a child's birth, entering the following data: first and last name, sex, day, month, year and hour of birth, and citizenship. Moreover, the personal data of the child's parents have also to be entered: first and last name (also, mother's maiden name), date and place of birth, citizenship, residence and address. This way, besides updating the records, the identity of the child, and the right to know at any time who his or her parents are, is protected.

108. The obligation to register the newborn child depends on the place where the child was born: if the child was born in a medical institution, then the institution is obliged to make a report. If the child, however, was born outside of a medical institution then the father of the child is obliged to report its birth, i.e. the person in whose apartment the child was born or, finally, the mother when she is able to do it. In any case, the child must be registered with the registrar under the jurisdiction of whose office the place of the child's birth is. The Law also stipulates the time within which the birth is to be reported: 15 days from the day the child was born. Every birth must be reported; this also applies to stillborn children, with a much shorter period of notice: 24 hours from the birth. By the obligation to keep records and enter each birth in the register, the identity of the child is also protected.

109. The right and obligation to use his or her personal name, consisting of the first and the last name, is legally guaranteed to every citizen of the Republic of Croatia. From this right and obligation follows the obligation to give the child his or her personal name and determine his or her last name.

110. The child's personal name is chosen by the parents jointly; as for the last name, the parents may determine that the child gets the last name of one or both parents. In Croatia, children mostly carry the last name of the father. As for the first name, the parents are obliged to choose it jointly; if one of the parents is not alive, the other parent has all parental rights concerning the personal name. If the parents cannot agree on the personal name for the child, if they are not alive or cannot exercise their parental rights, or if they are unknown, the child will be given the personal name by the competent guardianship authority or the person entrusted with the guardianship with the prior consent of the competent guardianship authority. The persons authorized to choose the first and last name for the child are obliged to report it to the competent registrar's office within two months from the date of birth, in order to be properly registered.

111. In case of adoption (see E.7 below) with kinship effect, the personal name is chosen in accordance with the provisions of a special law. The personal name for the adopted child is determined by the adoptive parent; the adoptive parents are registered as the parents of the adopted child. The important fact is that after the adoption with kinship effect it is not

permitted to challenge the fatherhood or motherhood. As a rule, the adopted child obtains the last name of the adoptive parent, but there is also the option for the child to retain his or her earlier last name or to add the last name of the adoptive parent to his or her last name.

112. Parents may jointly choose a new name for the child of whom the father has admitted fatherhood before the child turns 18; in this case the parents make a statement for the registrar's record, which is then the basis for registration.

113. According to the provisions of the Law on the Personal Name, every person has the right to change his or her personal name, including the under-age child. The under-age child may change his or her name at the request of the parents or adoptive parents; if they cannot agree, the consent is given by the competent guardianship authority. The child over 10 gives his or her own consent personally. The same regulations apply to the children born out of wedlock whose father has been determined.

114. With regard to the malevolent insinuations about the ostensible change of personal names of the children of Serb origin in the Republic of Croatia, it should be noted that the Law on the Personal Name (in effect since 30 October 1992) enables every person to change his or her personal name. The application must contain the reasons for the change and the proposed new name must justify the change. Moreover, the administrative authority considering the application is to publicly announce on its billboard that such application has been submitted, together with the old and the proposed new name. Every citizen has the right to object to it within 30 days from the public announcement, stating the reasons for which he or she believes the change of the name should not be approved. The justifications for the citizens' objections are surveyed by the administrative authority, when deciding on the application. If the application is found to be justified, the change of the personal name is approved, provided that the administrative authority determines that the new name is not contrary to the rules and customs of the society the person in question lives in.

115. All these provisions of the Law also apply to the procedure for the change of the personal name of an under-age child. The change of the name of an under-age child is, however, regulated by other legal provisions as well. The personal name of an under-age child will be changed at the request of the parents or the adoptive parents, as well as at the request of the legal guardian, with the prior consent of the competent administrative authority. If the parents are not married, the application is submitted by the parent with whom the child lives or to whom he or she has been entrusted, with the consent of the other parent. In the case of the other parent's disagreement with the change of the personal name of the under-age child, the conflict between the parents is to be resolved by the competent administrative authority. The decision by the administrative authority is to be enclosed with the application for the change of name. The competent administrative authority, in reaching its decision, must see to it that the child's interests are protected.

116. Exceptionally, in case the residence of the other parent is unknown or he or she is deprived of the ability to work or parental rights, the change of

the personal name of the under-age child does not require the prior decision of the guardianship authority. In case of the change of the personal name of the under-age child over 10, his or her consent is required.

117. With regard to the change of the personal name of the under-age child, we especially note that with the above-mentioned provisions there can be no eradication or loss of identity. This assumption is supported by the provisions of the Law on the Register of Births, Deaths and Marriages which is closely connected with the realization of the change of the personal name, since a person may legally use his or her new name from the date of entry in the register. This means that any change of the personal name, regardless of whether the person in question is of age or under-age, is to be entered in the register. No data entered in the official registers can be erased and they always remain available. Moreover, the Law provides for the possibility of issuing registrar's certificates as permanently valid documents containing all the data entered in the register until the moment of issuance, meaning that the certificate will always bear the note on the change of the personal name. Therefore, both the persons who are of age and under-age children are protected against eradication or loss of identity.

118. Since the Constitution of the Republic of Croatia provides for the equality of all citizens, regardless of their ethnic origin, when applying for a change of the personal name, they are not requested to state their ethnic origin, so the data on the applications considered are not sorted out according to the ethnic criterion. For this reason it cannot be maintained that the applications for a change of the personal names for the Serb children are exclusively motivated by the ethnic reasons. Also, no records are kept on the reasons for changing the personal name, so it cannot be maintained that Serb children are under more pressure than Croatians.

119. With regard to the data about the change of the personal name, the period between 1990 and 1 November 1993 has been studied, i.e. the last three years of the effective application of the old law and the first year of the effective application of the new Law on the Personal Name. From the collected data on the number of the applications for the change of the personal name the following can be seen:

(a) In 1990 there were 4,752 applications, of which 589 for under-age children. Of the total number of applications 4,615 were approved (574 for under-age children), whereas 137 applications were rejected (15 for under-age children);

(b) In 1991 there were 6,418 applications (908 for under-age children), with 6,270 applications approved (881 for under-age children) and 148 rejected (27 for the under-age children);

(c) In 1992 there were 14,616 applications (1,523 for under-age children), with 14,378 applications approved (1,439 for the under-age children) and 238 rejected (84 for under-age children);

(d) From 1 November 1992 until 1 November 1993 there were 9,253 applications (1,164 for under-age children), with 9,117 applications approved (1,133 for under-age children) and 136 rejected (31 for under-age children).

The one year of the application of the new Law on the Personal Name points to the substantially decreased number of applications as compared with 1992 (incomplete: 11 months): the total number of applications went down by 36 per cent.

120. As for the right to citizenship, the Law on Croatian Citizenship is based on the principle of origin, although a child may acquire Croatian citizenship in other ways, too. Pursuant to this, the basic principle is the citizenship of the child's parents: if the parents are Croatian citizens, the child acquires Croatian citizenship.

121. A child in the Republic of Croatia may acquire Croatian citizenship by origin in various cases: if both parents are Croatian citizens at the moment the child is born; if one of the child's parents is a Croatian citizen at the moment the child is born in Croatia; if the child is born abroad with one of the parents being a Croatian citizen at the moment of the child's birth, and the other parent is stateless or of unknown citizenship; if the child was adopted by Croatian citizens with kinship effect, regardless of whether the child has foreign or no citizenship; if the child is born abroad and one of the parents was a Croatian citizen at the moment of the child's birth, provided that the child is reported - abroad or in the Republic of Croatia - for registration with the competent authority as a Croatian citizen by the time he or she turns 18, or if the child comes to live in the Republic of Croatia, in which case he or she is considered a Croatian citizen from the moment of his or her birth. The child also has the right to be a Croatian citizen if it was born or found on the territory of the Republic of Croatia, and both of its parents were unknown or of unknown citizenship or stateless. In such case, if it subsequently - until the child is 14 - turns out that both the child's parents are foreign citizens, the child's Croatian citizenship, acquired under the incorrect assumption of origin, will be terminated.

122. Beside acquiring Croatian citizenship by origin, children may acquire it by naturalization. The children of Croatian emigrants are entitled to it.

123. Besides acquiring Croatian citizenship, children may also lose it under certain conditions. The child's citizenship may end by termination if requested by both parents whose citizenship has ended by termination, or if the citizenship of one of the parents has ended by termination and the other already is a foreign citizen. In the sense of these provisions of the Law, the child is a person under 18. The Croatian citizenship of the child adopted by foreign citizens with kinship effect before the child turned 18 will be terminated upon the request of the adoptive parents.

124. The child's citizenship may also end by renunciation. This is possible when requested by the parents whose citizenship has also ended by renunciation, or if the citizenship of one of the parents has ended this way while the other parent already is a foreign citizen. If the child was adopted

with kinship effect by foreign citizens, his or her citizenship may also end by renunciation at the request of the adoptive parents. Here, too, the child is a person under 18.

125. However, when the child loses Croatian citizenship in any of the above-mentioned ways, i.e. by termination or renunciation, he or she may again acquire it after coming of age, provided that he or she is a resident of the Republic of Croatia and makes a written statement that he or she considers him or herself to be a Croatian citizen. These two conditions must be fulfilled at the same time. It is especially important that although for the minor, i.e. the person under 18, the application for citizenship, or the written statement that the child considers himself or herself to be a Croatian citizen, is submitted by a parent, acquiring or terminating the child's citizenship requires the child's consent if the child is over 14.

126. With regard to the child's right to know who his parents are, the following principles may be mentioned: there is never any controversy about the mother of the child - the woman who gave birth to the child is considered to be his or her mother. When the child is born within wedlock, then the legal assumption is that the mother's husband is the father of the child. The law clearly determines who is to be considered the father of the child in case of controversy. Thus, in the case that the child was born out of wedlock, the person who admits to the fatherhood will be considered the father, or the person whose fatherhood is determined by a court decision. The law also provides for the under-age persons over 16 to admit to fatherhood, but only if they are capable of understanding the meaning of their admission. The law stipulates that the admission of fatherhood is irrevocable. If the child is over 16, his or her consent to the admitted fatherhood is required along with the mother's consent. Moreover, the child is entitled to legal action for determining who his father is.

2. Preservation of identity (art. 8)

127. For the purpose of the preservation of identity of a person (and thus of the child, as well) the Law on Croatian Citizenship contains provisions which make it possible to retain or acquire Croatian citizenship in order to avoid statelessness.

128. Concerning the child's right to a name (see D.1 above), legal provisions have been stated referring to the preservation of identity, with the child's interest as the most relevant criterion.

129. For the purpose of the preservation of the child's identity, the family legislation prescribes that the data contained in the adoption files are classified information. Access to these files may be accorded only to the adoptive parents, the adopted child after turning 18 and to the parents of the child. However, the parents may be denied access in certain cases defined by the law. No indicators are available as to what extent adopted children are exercising this right or whether their right is violated in any way.

130. As a modern legal instrument, the Law on the Birth, Death and Marriage Registers provides for the possibility that a person may also obtain a certificate for some of the facts of his or her personal status.

131. In the field of medical regulations the legislator, however, failed to provide for the child conceived by artificial insemination who at a certain level of maturity seeks to identify his or her father by gaining access to the medical institution's files.

3. Freedom of speech (art. 13)

132. All rights and freedoms apply to all the citizens of the Republic of Croatia, regardless of their race, colour, sex, language, religion, ethnic or social origin, property, birth, education, social status or any other properties, and they are equally exercised by children and adults.

133. The Constitution of the Republic of Croatia, with respect to the State and society, guarantees the right to freedom of thought and expression of thoughts by speech, writing, pictures or in any other way. The right to freedom of information, i.e. the freedom to receive and give information and the right to be generally informed about the opinions of others, is guaranteed to every citizen. The freedom of the expression of thoughts refers especially to the freedom of the press and other media. Censorship is forbidden. Journalists have the right to report freely and have free access to information. Anyone whose constitutionally provided right was violated by public notice is guaranteed the right to rectification.

134. Members of all ethnic communities and minorities are guaranteed the right to the expression of their ethnic origin, the free use of their language and script, as well as the cultural autonomy.

135. These freedoms and rights may be qualified by law only in order to protect the freedoms and rights of other people and the legal order, public morality and health. In time of war or imminent threat to the independence and unity of the Republic, as well as large-scale natural disasters, individual constitutionally guaranteed freedoms and rights may be qualified. The Parliament decides on this by a two-thirds majority vote of all MPs; if the Parliament cannot sit, the decision rests with the President of the Republic. The scope of the qualification must be appropriate to the nature of the danger and can result in the inequality of citizens with regard to their race, colour, sex, language, religion, national or social origin. However, not even in the case of imminent threat to the existence of the State may the application of the constitutional provision about the right to life, the prohibition of torture, cruel or humiliating treatment or punishment, the legal definition of criminal offences and punishment, and the freedom of thought, conscience and religion be qualified.

136. The criminal legislation punishes the revelation of State and military secrets, for the sake of protection of the most important State interests.

137. Within the framework of public child care, the State pays special attention to children's freedom of expression. To this purpose various workshops in the preschool institutions and schools are formed to enable children to assert themselves. Thus, there are musical, art, drama, sports, environmentalist, informatics and other workshops. In Croatia there are also some preschool institutions, e.g. the Waldorf kindergartens, in which children's freedom of expression is specially cultivated.

138. With regard to the cultural tradition and the European orientation, much attention is paid to the teaching of foreign languages to the children. In all schools children can learn foreign languages and acquire additional knowledge of other cultures and peoples. This opportunity for expression is extensively made use of, so that the children in towns learn two foreign languages on the average.

139. In parallel, there are a number of associations supporting different aspects of the child's right to freedom of expression. There are various art workshops, environmentalist patrols, modelling workshops, musical workshops, SOS-Phone for children ("Blue Phone"), scouts, puppet theatre groups.

4. Access to adequate information (art. 17)

140. The Media Law stipulates that the media are free. This includes freedom to express thoughts; gather; search for, publish, disseminate and receive information, as well as the freedom to establish publishing companies, newspapers, broadcasting stations and film companies.

141. Every citizen, including children, has the right to the protection of his or her privacy, except in the cases directly connected to their public activity.

142. The Government is obliged to support financially the publishing and other media activity in the languages and script of the ethnic and national communities or minorities, as well as provide for the information needs of persons with special needs (the blind) and members of other social and cultural groups.

143. For the purpose of providing better information for children, there are a large number of children's libraries (it should be noted that some of them, e.g. in Vinkovci and Slavonski Brod, have been burnt to the ground in the war).

144. In Croatia there is a developed publishing activity in the field of children's literature; such books are exempt from sales tax. Although the Constitution stipulates that primary school education is free of charge, in reality the parents and society in general encounter the problem of expensive textbooks. For some school children it is financially difficult to obtain textbooks, so the Government makes it possible for the poor to get free textbooks.

145. In accordance with article 17 (e) written and broadcast warnings for children (and adults) have recently been introduced as to the hazards of the use of certain products (e.g. cigarettes). At the moment there is still no fully fledged programme for the protection of children from information and material injurious to their well-being, so that the actions taken are only occasional.

146. It has been made possible for the children of the minority communities to express themselves in their own language (see H.4).

147. The Croatian Radio-Television (the State broadcasting company) broadcasts special children's daily programmes with educational, information, competition and entertainment features. Especially interesting and educational are the live shows which make it possible for the children to express their opinions on certain phenomena directly concerning them (e.g. the shows about children's relations with their parents, nature, etc.).

5. Freedom of thought, conscience and religion (art. 14)

148. The constitutional provision with respect to article 14 gives all citizens equal rights and freedoms regardless of their religion. The Constitution guarantees freedom of thought and expression of thoughts, freedom of conscience and religion and the free public manifestation of faith or any other belief. Accordingly, children also have the right to freedom of thought, conscience and religion.

149. According to the Constitution, all religious communities are equal before the law and separated from the State. Religious communities are free to publicly perform their religious service, establish schools, academies and other institutions, as well as social and welfare institutions, and run them in conformity with the law, enjoying in their activity protection and support by the Government.

150. With respect to the fact that there is a smaller number of non-Catholic citizens, it is legally provided for them to celebrate their major religious holidays by staying off from work that day at full pay, which also is an expression of equality of all citizens and respect for all religions.

151. The Ministry of Culture and Education cooperates with the religious communities, who have submitted their curricula proposals for the teaching of their catechisms to the pupils who belong to the respective religious communities. The proposed curricula are approved by the Ministry and published in the media. The teaching of catechism is the competence of the respective religious communities (Catholic, Orthodox and Muslim). It takes place twice a week, each time for an hour. The teachers are priests, lay persons or nuns. Catechism is an elective subject. Having taken it once, however, the pupil cannot give it up before the end of the school year. The pupil gets his or her grade which is included in the calculation of the overall performance. The decision to take the religious subject is free. In the primary school a parent makes a written statement about it, whereas in the secondary school both the parent and pupil make their statements. It is possible to give up the subject at the beginning of a new school year by an oral statement to the form master, without further explanation. Catechism may be taught at kindergartens if the parents want it. Moreover, the Catholic Church has opened a larger number of its own kindergartens.

152. According to the Constitution, parents have a special role and importance in raising their children, being absolutely free to choose the way of bringing up their children. From this it follows that the parents decide to which religion the child is to belong and how the child is going to be brought up (in the religious or atheist spirit), i.e. they decide on whether their child is to be religiously educated or not). Certain criticism may be addressed to the lack of opportunity for the child who has reached a certain degree of

maturity to express his or her own will with respect to changing his or her religion or giving up religious education classes, or to become an adherent of a certain religion. The authorities intervene only if the child's interests are threatened.

153. Given the extent of the destruction of religious premises during the war in Croatia, congregations in some regions, including the children, cannot practise their faith.

6. Freedom of association and peaceful assembly (art. 15)

154. The Constitution of the Republic of Croatia guarantees the citizens of the Republic the right to free association for the protection of their interests or for the promotion of their social, economic, political, national, cultural or any other beliefs and goals, to which end the citizens may freely establish political parties, unions and other associations, as well as join or leave them.

155. According to the Law on Social Organizations and Citizens' Associations, a minimum of 10 citizens of the Republic of Croatia who are of age may establish a citizens' association; foreigners may do the same exceptionally, under the conditions prescribed by law. The association of citizens is free and voluntary. The activity of a citizens' association is public, and it is independent in pursuing its statutory objectives and goals. The association must have its statute by which it independently regulates who can become a member, the rights and obligations of its members and their participation in managing the association.

156. Although only citizens who are of age may establish citizens' associations, there is no legally set age limit for membership, so that in the Republic of Croatia children and young people are members of many associations, even having the opportunity to participate in managing them where such an opportunity is provided for by the association's statute. For instance, the Statute of the Union of the Scouts of Croatia makes it possible for a child from the age of 8 on to become a member; from the age of 11 on the child may become a member of the body managing the association and participate in the decision-making. The young people in the Republic of Croatia are free to establish their own associations, unions and the like (see D.3 above), having a special status in this capacity. The Government of the Republic of Croatia has established the Youth Council with the task of systematically following all the issues and problems of young people and to coordinate the activities of the administrative authorities, and other authorities, organizations and legal persons for submitting proposals and implementing the decisions of the Government in this field. Besides this, in the Republic of Croatia many associations whose basic goal is to care for children and young people have been established and active.

157. The Criminal Law stipulates punishment of up to one year for preventing or hindering a public assembly to which the citizens are entitled by law.

7. Protection of privacy (art. 16)

158. One of the basic principles of democracy and a constitutional provision is that no person - be it a child or an adult - may be subjected to the interference with the right contained in article 16 of the Convention. One of the constitutional provisions is that every citizen is guaranteed respect for and legal protection of his or her private and family life. The Constitution contains provisions against the search of houses and confidential mail, etc. These rights may only be qualified by law under the conditions identical to those described in article 15, paragraph 2 of the Convention. The constitutionally guaranteed protection is the basis for regulating acts of interference with the private or family life of the individual. Such protection is described in the regulations of the Law on Criminal Procedure with regard to house search and related matters.

159. For the purpose of the protection of the child's integrity, the family legislation prescribes the secrecy of the adoption procedure and the lawsuits concerning the origin of the child.

8. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37(a))

160. The Constitution of the Republic of Croatia guarantees every human being the right to life. The Constitution prescribes that no one may be subjected to any form of abuse or - without his or her consent - to medical or scientific experiments. Forced or compulsory labour (including that of children) is forbidden. Any action contrary to these stipulations is penalized by the criminal legislation.

161. In the Republic of Croatia there is no death penalty or life imprisonment. This is a general rule and applies to both adult and under-age perpetrators of criminal offences. Educational measures for under-age perpetrators are regulated separately and stipulated in such a way as to take their age into account.

162. Only a lawyer may defend a minor at a court of law. In the case of testimony about circumstances necessary for determining the mental maturity of a minor, knowledge of his or her personality and the State he or she lives in, no one may be exempt from the obligation to testify.

163. In accordance with the provisions of the Criminal Law of the Republic of Croatia and the conditions prescribed by the Law, the following criminal sanctions may be applied to under-age offenders: correctional measures, imprisonment for minors under the conditions determined by law, obligatory psychiatric treatment and confinement in a medical institution (compulsory treatment of alcoholics and drug addicts, taking away objects and of expelling a foreigner from the country.

164. The Basic Criminal Law of the Republic of Croatia points out that the purpose of correctional measures and imprisonment for minors is specifically to protect and help under-age offenders by supervising and professionally training them and developing their personal responsibility in order to ensure their education, reformation and correct development. Besides, the purpose of

imprisonment for minors is to influence under-age offenders so as not to perpetrate any more criminal offences and to deter other minors from perpetrating them. The Criminal Law of the Republic of Croatia prescribes the kinds of correction measures and the circumstances relevant for the decision to apply them.

165. Observing the principle of individualization as one of the basic principles of the court proceedings for minors, the court will take into account the age of the minor, the level of his mental maturity, his psychological characteristics, inclinations, the motivation for the deed, the way he or she was brought up, how grave the offence is, whether he or she already has a record. In connection with this and along with the disciplinary measures and tighter supervision, the court - under the provisions of the Criminal Law of the Republic of Croatia - may also decide on sending the minor to a correctional home if it judges that the education and reform of the minor is not to be achieved without taking him or her completely away from his usual surroundings.

166. The Basic Criminal Law of the Republic of Croatia stipulates that the age limit for criminal responsibility is from 14 on, explicitly stating the age at which the court may decide on certain correction measures including, exceptionally, imprisonment. Thus, the minor who was over 14 but not yet 16 (junior minor) at the time when he or she perpetrated the criminal offence may be sentenced only to correctional measures, while the minor who was over 16 but under 18 at the time he or she perpetrated the criminal offence may be sentenced to correctional measures and, exceptionally, to imprisonment.

167. According to the criminal legislation of the Republic of Croatia, the Ministry of Labour and Social Welfare and the Ministry of Justice are entrusted with carrying out sentences against minors. The Ministry of Justice is authorized only to carry out the measure of sending the minor to a correctional home for the imprisonment for minors, while the Ministry of Labour and Social Welfare is authorized to carry out the other disciplinary correctional measures, the measure of tighter supervision and the measure of sending the minor to a correctional home within the jurisdiction of the Ministry.

168. The rights and obligations of the under-age offenders during their time at a correctional home or during the imprisonment for minors, their legal status, the types of penal institutions or homes in which the sentence may be carried out, the kind of professional personnel carrying out the sentence, the way the under-age offenders are treated and the authorities that supervise the legality in carrying out the sentence are provided by the Law on Carrying Out the Sanctions for Criminal and Economic Offences and Violations, as well as by the subordinate legislation related to it.

169. In accordance with the provisions of the above-mentioned Law, the correctional measure of sending a minor to a correctional home is to be carried out in an institution established for this purpose only, separately from other detainees. In the Republic of Croatia there have been established two correctional homes for under-age offenders, one for each sex. The treatment methods have been developed in accordance with the security criteria and they are gradual, meaning that the freedom of movement for the under-age

offender serving his or her sentence depends on the progress in his or her work and behaviour. These homes are of a semi-open kind, in which the degree of promoting the acceptable, i.e. suppressing the unacceptable, behaviour is determined by the internal organization and rules of procedure. The under-age offenders are treated on the basis of the international standards adjusted to the purpose of the correctional measure, meaning that certain rights are legally guaranteed to the under-age offenders serving their sentence. These rights are: the right to receive education and have school vacations, the right to legal counsel and assistance, the right to medical help and hospital treatment, the right to adequate nourishment, the right to work and be paid for it as well as for the time he or she cannot work on account of illness related to the work, the right to vacations (if working), the right to eight hours of rest a day and the free weekend, the right to unrestricted written communication with the members of his or her family and other persons who are judged as not having bad influence on the under-age offenders, as well as the right to satisfy religious needs.

170. The under-age offender has the right to submit complaints about his or her treatment to the principal of the institution, who is obliged to carefully study them and make a written decision on them. If the under-age offender has not received a reply to the complaint he or she submitted, or if he or she is not satisfied with the decision, he or she has the right to submit, through the management of the institution, a written complaint to the Ministry of Justice as the supervising body.

171. The under-age offender may, according to the institution's Internal Order Rules, be visited by the family members as well as other persons judged as not having bad influence on him or her. Moreover, they may receive parcels of non-perishable foodstuffs, personal items, printed matter and money orders. The under-age offenders may be visited every week in accordance with the schedule of the institution, or at some other time in case of emergency. The under-age offenders are allowed weekly phone calls, or more frequently, in case of an emergency. Besides the members of the family, the under-age offenders are permitted to have permanent contact with all the authorities related to carrying out the correctional measure or supervising it. The Law provides for the obligation of the social welfare agency to priority assistance to the under-age offender in order to cover his or her basic needs after his or her release from the institution.

172. During the visit by the family members the personnel of the institution is obliged to give them any information concerning the treatment of the under-age offender. In the course of the year the management of the institution is obliged to organize meetings with the parents and on that occasion inform the parents or the legal guardian of the results of the correctional measures and the ways in which the family can contribute to making it better.

173. Maintaining health and allowing the correct psycho-physical development through sports belong to the treatment of the under-age offenders, so the building of sports facilities within the correctional homes is a standard that must be observed.

174. The security service is in charge of keeping order inside the correctional home and securing it on the outside. The employees of this service are not permitted to keep and carry arms within the correctional home. The use of firearms against the under-age offenders is permitted only if the under-age offender through his or her behaviour beyond any doubt endangers the lives of people. The security service employees are obliged to make a written report to the principal of the institution about any use of force; in serious cases the report is to be made to the competent department of the Ministry of Justice. When escorting the under-age offender to the court or for the purpose of any other escorting outside of the institution that by its very nature cannot be done by the employees of the institution, the security service employees are obliged to wear civilian clothes so as to limit the injury to the dignity of the under-age offender.

175. Isolation of the under-age offenders or punishment by solitary confinement is forbidden by law. The severest disciplinary sanction for the under-age offender may be seclusion in a separate room for up to seven days, but even then the under-age offender is included in the daily schedule of the community.

176. The Law provides for awards to the under-age offenders for good performance at school or the workplace and for exemplary behaviour. Awards and commendations belong to the measures meant to encourage the correct behaviour of the under-age offenders through the privilege of free visits to the town centre, exhibitions, the disposing of his or her money and the like.

177. In order to achieve the purpose of the correctional measure the Law prescribes the standards of treatment of the under-age offenders according to which each employee of the institution works with a group of up to 15 under-age offenders With regard to the high demands and complexity of the job, the expertise of the personnel is of exceptional importance. For this reason the preferred choice for the employees are experts educated, in the liberal arts: psychologists, social workers and pedagogues.

178. The Law on Carrying out the Sanctions for Criminal and Economic Offences and Violations provides for the obligation of the court which passed the sentence to supervise its implementation as well. According to the Law, the correctional home is obliged to report to the court and the guardianship agency every six months - or anytime the court requests it - about the results of the application of the correctional measure. In order to achieve the purpose of the correctional measure the correctional home shall request the guardianship agency to submit the programme of measures and actions which are to be implemented within the family of the under-age offender simultaneously with the implementation of the correctional measure. Regular reports to the court and the guardianship agency are to be made in order to follow the course of the implementation of the correctional measure, and they are obligatory for the court in deciding on the suspension of the correctional measure or its replacement by an easier one. According to the provision of the Criminal Law of the Republic of Croatia, the court may release the under-age offender from the correctional home on parole, provided that he spends at least one of the maximum five years this correctional measure can last in the home.

179. The Law stipulates that the under-age offender may be detained in the correctional home until his twenty-third year at the most. Exceptionally, the under-age offender may continue to serve his or her time at the home even after attaining the age of 23 if it is necessary to complete his or her education.

180. The Basic Criminal Law of the Republic of Croatia stipulates that punishment by the imprisonment for minors may be applied only to the senior minor who has perpetrated a criminal offence for which a punishment of more than five years is foreseen by law, whereas on account of the grave consequences and high degree of criminal responsibility it would not be justified to only sentence him or her to a correction measure. This punishment cannot last for less than a year or more than 10 years. Having served one third of the time, but not less than a year, the under-age offender may - under the conditions stipulated by law - be released on parole.

181. The Criminal Law of the Republic of Croatia and the Law on Carrying Out the Sanctions for Criminal and Economic Offences and Violations stipulate that the punishment by imprisonment for minors is to be carried out in a penal institution or correctional home for the under-age offenders separately from other convicts, i.e. in a special ward for under-age offenders of the open or semi-open type institution. The Penal Law of the Republic of Croatia, in the section dealing with the treatment of minors sentenced to imprisonment, provides for the treatment that is suited to the development of the under-age offender's personality and enables the under-age offender to live normally after serving his or her time. Accordingly, the relevant regulations differ only slightly from those concerning the treatment of the under-age offenders sentenced to the correctional measure in a correctional home.

182. For carrying out the punishment by imprisonment the same rights are provided to the under-age convicts as for the under-age persons sent to correctional homes to serve the time of the correctional measure, with an essential difference as to the punishing of indiscipline. In the treatment of these under-age offenders the severest disciplinary punishment is solitary confinement, but only for seven days at the most and with daily medical supervision.

183. The Criminal Law also prescribes the obligation to work for the under-age offenders punished by imprisonment. However, assignment to various kinds of work depends on the psychological and physical abilities of the under-age offender, his or her expressed interests and the objective ability of the penal institution to make provisions for such work.

184. The education, keeping in touch with one's family and developing the feeling of responsibility through adopting the models of constructive life within the human community, as well as the observance of the general human values, are in the focus of the treatment of the under-age convicts. This is the way to maintain the psychological stability of the under-age offenders, which is gaining in significance by being primarily oriented towards the non-penal environment and preparing the under-age offender to be painlessly included in normal life again.

185. The fact is that the legal status of the under-age criminal offenders, as regulated by the criminal legislation of the Republic of Croatia, is in collision with the special status of the under-age offenders according to the Penal Law. The purpose of the measures and the principles provided by the legislator as the basics of the court proceedings and treatment of the minors after the verdict are very much in contradiction with the repressive nature of the Penal Law. The promotion of the principles of opportuneness, subsidiarity and individualization in the court proceedings and execution of the sanctions against the under-age offenders, is not new in the penal legislation of the Republic of Croatia. What is more, it is the result of decades-long experience in dealing with this matter from the aspect of the Criminal Law. In each reform of the Croatian criminal legislation since the beginning of the century special attention has been paid to these issues. In the attempt to emphasize responsibility, which is advocated by Croatia in regulating the legal status of the under-age criminal offenders, we must note that the special status of the under-age offenders is regulated in all the phases of the court proceedings as well as in the execution of the sanctions. By the amendments to the existing Criminal Law and the Law of Criminal Procedure, the relevant international standards have been followed. The remaining task would consequently be to unite all the penal provisions related to the under-age offenders and young offenders who are of age in single regulation on the one hand, achieving the same standard of quality in carrying out the court decisions on the other, i.e. in the application of the prescribed treatment of the under-age offenders during the execution of the criminal sanctions.

186. The knowledge of the need for the statutory regulation of the special status of young persons within the Penal Law must, therefore, be followed by the knowledge that the penal procedure against the under-age persons ends only after the young person is released from the penal institution. For this reason all the inputs in the legislation should be followed by permanent inputs in achieving the international sanction execution standards. The prescribed purpose of the correctional measures and the imprisonment for minors may only be achieved if the material and professional bases are provided.

187. Modern methods of treatment of the offenders insist on their categorization according to their various properties. The age of the offender is only one of the elements of categorization, for which the Croatian penal practice has developed appropriate procedures. Defects may be noted with respect to the implementation of the treatment programmes for the various offender groups such as drug addicts, psychopaths and mentally disturbed offenders. With regard to the fact that the court takes these mental states into account in making decisions on the kind and severity of the sanctions and may even sentence the offender to an adequate security measure, the task of the system of the execution of sanctions should be to prepare the facilities and train the personnel for the appropriate implementation of the court decisions. In the case of under-age criminal offenders this ought to become a priority, since the available statistics indicate an ever greater problem of young addicts who perpetrate criminal offences under the influence of drugs or in order to procure the money to buy them.

E. Family environment and alternative care

1. Parental guidance (art. 5)

188. Under the Constitution, parents have the duty to bring up, support and school their children, while the Law on Marriage and Family Relations provides for the parents' right to take care of the personality rights and interests of their children. Considerable attention has been paid to upbringing and taking care of children, since parents are considered to be the most qualified persons to ensure a harmonious upbringing of the child. Parents are legal representatives of the child and have both the duty and the right to take care of the personality, rights and interests of their children, regardless of where these interests need to be protected, including legal and administrative proceedings. Parents need to exercise their right to take care of the child in order to secure his or her successful physical and mental development, i.e. healthy and harmonious development, and prepare him or her for independent life. Within the framework of ensuring the child's care and upbringing, legal provisions are very strict in a sense that, in order to protect the interests of the child, they forbid parents to leave a preschool child alone without adult supervision. The role of the parents is also stressed by their legal responsibility to attend consultations with school teachers.

189. Besides the above-mentioned, parents have the legal responsibility to represent their children, to take care of children's property and to support them. The restrictions on parental guidance are regulated strictly by the law and are implemented by competent bodies but only with the child's best interests in view.

190. Decisions on measures for protection of the personal and property interests of children are made by social welfare services or by a court. Parents are entitled to legal protection when a third person keeps their child in a unauthorized manner. The law stipulates that if parents treat their children in a way that is contrary to the children's interests, social welfare services intervene by meting out appropriate protection measures of family law and, when the legal provisions are fulfilled, parental guidance is replaced with guardianship.

191. With a view to providing parents with professional assistance in order to bring up their children harmoniously, the Law on Social Welfare provides for the possibility of establishing guidance centres for providing assistance to parents of disabled children, parents of children with deviant behaviour, etc.

2. Responsibility of parents (art. 18, paras. 1 and 2)

192. The responsibility of parents to bring up their children and ensure the right of the child to a full and harmonious development is set forth in the Constitution. Although parents-children relations are still regulated by the legal institution of parental rights, the constitutional provision on parents' responsibility for their children has led to some changes of legal provisions directed towards a modern legal treatment of these relations. Although this legal institution is outdated, some of its aspects contain modern provisions. For example, parental rights belong to both father and mother who exercise them equally and by consent.

193. The parent cannot relinquish the exercise of parental rights; parental rights can be limited or waived only in cases stipulated by law. These rights belong to the parents (mother and father if married, or extramarital father after establishing his paternity) from the date the child was born. The law does not provide for the possibility for children to seek, of their own initiative, protection from their parents before competent bodies (above all guardianship authorities); therefore, while amending this part of the family legislation, these requests, as well as the changes regarding the rights of the child and the responsibility of parents, should be taken into account. In practice, social welfare services, in order to protect the interests of the child, respond to children's reports and information against their parents by meting out appropriate family law measures.

194. Under family legislation, parents continue to take care of the child's upbringing in case of divorce, annulment of marriage or separation of parents. The parent to whom the custody and upbringing of the child is not awarded has the right to lodge a complaint to the guardianship agency in order to reverse the decision; this parent also has the right to lodge a complaint when he or she does not approve of the other parent's treatment of the child.

195. The law guarantees the parent who lives separately the right to maintain personal contacts with the child. The decision on the form of personal contacts has to correspond with the child's interests, regardless of whether parents have consented to it or the decision is made by the competent body. What such treatment of this matter lacks is the possibility for a child, at least one capable of understanding the situation, to express his or her wishes or initiate proceedings to reverse the decision before a competent body.

196. In practice, problems derive from the fact that the legal system does not provide for the institution of common responsibility of parents after the termination of marriage; instead, custody is awarded to one of the parents (mostly mothers) which results in further problems (maintenance of personal contacts, the care for upbringing and development of the child, support, etc.). It can be said in general that the problems connected with awarding custody to one of the parents and maintaining personal contacts arise when parents cannot reach a consensus on the welfare of their mutual children. Sometimes it is possible to solve the problem prior to the legal divorce proceedings (the so-called conciliation of spouses), when a social worker, psychologist and lawyer have to find a solution that is most favourable for the child. In any case, the decision by the competent body (guardianship authority or the court) must correspond with the child's interests. Therefore, prior to making a decision, the court has to ask the guardianship authority for expertise, and examine all the circumstances concerning both parents, the child's interests being the key criteria, regardless of the agreement between the parents. It is possible to grant custody to a third person or institution if the parents are found not to be fit. However, parents continue to be the legal representatives and supporters of the child if they meet the legal provisions.

197. Croatia has a fully established social security system ensuring considerable benefits for pregnant women and mothers. Although there are very favourable legal provisions, problems derive from financial difficulties which Croatia has been facing for several years now. Under the law, a pregnant

woman must not work at difficult and hazardous jobs nor on the night shift. The pregnant woman has to go on compulsory maternity leave at least 28 days before the childbirth, and this compulsory maternity leave lasts until the baby is 6 months old. The mother can prolong her maternity leave for another 6 months. During the first 6 months, she is entitled to the full amount of her salary as well as to all the privileges resulting from social, health and old-age pension insurance (she is entitled to these privileges during the additional 6 months of the maternity leave as well). The mother can, if she so wishes, be absent from her workplace (without salary compensation) until the child is 3 years old; however, if she has a child with special needs, she is also entitled to salary compensation during this period. Parents of handicapped children are entitled to shorter working hours (half of the working hours) and to salary compensation for the other half of the working hours. Parents who adopt a child are entitled to a 270 days' leave if they adopt a child under 7. The father can go on maternity leave instead of the mother if she abandons the child, died, or is not able to look after the child. The father is also entitled to take additional maternity leave (i.e. after the first 6 months after the birth) if he has so agreed with the mother.

198. The Law on Health Insurance provides for the possibility for the parent to be absent from work in case of the child's illness, while the duration of the absence depends on how serious the illness is and the age of the child (infra, F.3).

199. The State helps parents and legal guardians in exercising their parental role. This help comprises social welfare, allowances and privileges. There is a very wide network of institutions providing care for healthy children (infant nurseries, kindergartens and similar institutions) as well as for disabled children, which are at the local level financially supported by the State. There is the possibility of a whole-day or half-day stay in infant nurseries, kindergartens and the first four grades of elementary school so that children of working parents are provided with full and appropriate care and protection.

3. Separation from parents (art. 9)

200. In Croatian legislation there are two laws on the basis of which a child can be separated from his or her parents: the Law on Social Welfare and the Law on Marriage and Family Relations. On the basis of the Law on Social Welfare, children can be separated from their parents and placed in social welfare institutions or foster families with their parents' consent. The usual reasons for separating children from their parents is low income or illness due to which parents are not able to take care of their children properly. Such separation can be either temporary (until the situation is improved) or permanent. The parents' right to visit their children and take them home for holidays and vacations cannot be limited (there is no legal basis for that). Usually, these visits are regular shortly after the separation, but become less and less frequent as time passes and only rarely are maintained on regular basis. The State can initiate, through social welfare services, proceedings against parents who do not visit their children, and mete out measures stipulated by the law, because to fail to maintain contacts with children is a violation of the right of the child to contacts with parents, guaranteed by the provisions of the family law.

201. Upbringing of children and meeting their basic needs is, above all, the parents' responsibility (under the provisions of the Constitution and family legislation). Parents (natural and adoptive) enjoy, under the law, parental rights on the basis of which they are responsible for looking after the child and his or her upbringing, representation, managing the child's property and support. If the child is left without the parents' care, a legal guardian appointed and supervised by the social welfare service becomes responsible for the child. The legal guardian can be replaced at any time either at his or her own request or on the basis of the decision by the social welfare service (ex officio). The exercising of parents' parental rights can be limited or taken away on the basis of a decision by the competent authorities (administrative or legal). The reasons for taking such measures are connected with the constitutional principle of the special protection of the child by the State and the legal principle of the child's best interests.

202. Children can be separated from their parents on two grounds: social legislation and family legislation. The first measure is implemented if parents considerably neglect the child's upbringing. In such cases parents lose their right to take care of and bring up the child, and another person or institution is granted custody. It is not stipulated by the law that, prior to meting out the measure, the child needs to express his or her views nor is the duration of this measure specified by the law. The second measure is taken when the child exhibits deviant behaviour, and is meted out either at parents' request or ex officio (if parents do not realize that they have a bad influence on the child). The child is placed in a correctional institution but only when it is not possible to bring up or reform the child in his or her own home or in some other family. The law does not stipulate the duration of this measure nor provides for periodical checks of its effectiveness. Due to the limited possibilities for finding appropriate families (especially in the last three years of the war against Croatia), children have actually been very rarely separated from their own families.

203. Although both measures of limited parents' right to bring up their children are meted out without a previous court decision, parents have the right to initiate, after the administrative proceedings (of first and second instances) a special legal suit (before the Administrative Court) is they think that the measures meted out by the social welfare service are not justified.

204. The court is competent to deprive parents of parental rights if they abuse their parental rights or considerably neglect their parental duties. In such a case parents are denied all the rights (except the duty to support the child) and, under the law, the procedure for adopting the child can be initiated without the parents' consent.

205. A child's parents (married or extramarital) who live separately can either agree with whom the child will continue to live or can consent to entrusting the child to another person; this person has to meet the requirements stipulated for guardians. The child has the right to meetings with his or her parent who lives separately; however, if the parent with whom the child lives is opposed to these meetings, the dispute is settled by the

social welfare services. Limitations or prohibitions of personal contacts (visits, summer and winter holidays, etc.) may be imposed only to protect the child's health or his or her other vital interests.

206. When taking the above-mentioned decisions, the child's consent is not requested; however, the competent authorities (social welfare service or the court) have the legal possibility to inquire into the child's wishes. The family legislation does not (yet) comprise the provisions which would enable an older child himself or herself to file the requests either for meting out some measures or for the reversal or waiver of the existing ones.

207. The current Law on Criminal Proceedings stipulates that a minor person can be put in custody only exceptionally. Custody can last up to one month and can be prolonged for two months at the most only out of some justified reasons.

208. When it is necessary to completely separate the child from the environment where he or she lives in order to reform him or her after having committed a criminal offence, the court can place the juvenile delinquent in an educational institution or correction home and in the most serious cases in juvenile prison to serve the sentence.

209. The existing laws do not regulate the issue of possibility for the child to meet his or her parents who are serving a sentence, regardless of the nature of the offence. In practice, the requests for meetings between these parents and children are treated differently. Because of such an unfavourable situation, the future amendment of the criminal legislation should provide for a more up-to-date approach and legal regulations which would respect the child's interests.

4. Family reunification (art. 10)

210. Family legislation comprises provisions regulating in detail the rights of the parents (or guardianship authority, if the child is entrusted to an institution) to request, through legal proceedings, the return of the child who is kept by a third person in an unauthorized manner. This proceeding is an urgent one.

211. Among other serious consequences of the war in the territory of the Republic of Croatia there are also special cases of the breaking of all legal ties between the child and one parent. Some children have been suffering because their fathers have been taken to detention camps outside Croatia. International organizations have not so far succeeded in establishing the destiny of the persons considered missing, because Serbia persistently refuses to give information about them. However, children of mixed marriages whose fathers left Croatia or were, together with their mothers, expelled from the part of Croatia occupied by paramilitary forces (UNPA zones) have also suffered. Since the new Yugoslav State (Serbia and Montenegro) refuses to recognize the Republic of Croatia within its internationally recognized borders, it is not possible, for the time being, to solve the problems concerning the implementation of the right of children to contacts with parents living separately by means of international treaties and the implementation of appropriate conventions.

212. To find missing parents or those separated from their children and to reunite them is an exceptionally difficult and urgent problem imposed on Croatia as the consequence of the ethnic cleansing and the war. There are many children and adults expelled from their homes (infra, H.1) but also a great number of refugee children and adults, mostly from Bosnia and Herzegovina. The Government Office for Refugees and Displaced Persons takes care of these refugees and displaced persons. The Government Commission issues permission for entering and temporary stay in the Republic of Croatia as well as permission for transit through the Republic of Croatia. When considering these requests, the reunification of families is given preference and the procedure is an urgent one.

213. Another difficulty concerning family reunification is the registration of children who were forcibly taken from Croatia to other countries (mostly Serbia and Montenegro), regardless of whether or not there is a court decision granting custody.

214. Croatia has ratified the Hague Convention on Civil Aspects of International Child Abduction which obliges the member States to establish a central body for filing and considering the requests for return of abducted children. In the Republic of Croatia, the central bodies according to this Convention are the Ministry of Justice and the Ministry of Labour and Social Welfare. The above-mentioned ministries have so far received two requests for return of children who are now in a foreign country which is signatory to the Convention and in Croatia respectively. In future, national regulations should be brought into conformity with the provisions of this Convention. The Law on Enforcement is being amended and it will comprise these issues.

215. In Croatia there is a non-governmental project "Unaccompanied Child" whose aim is to find refugee children (in European countries) and to reunify them with their families.

5. Support of the child (art. 27, para. 4)

216. The responsibility of parents i.e. persons legally obliged to support the child, is stipulated by the Law on Marriage and Family Relations, while their responsibility to secure minimum standards of living and normal development of the child is stipulated by the Law on Social Welfare. Under the Law on Marriage and Family Relations, parents are obliged to support their under-age child and even the adult child who is still receiving regular education (until he or she has finished schooling), or is not able to work due to his or her illness, has no means to support himself or herself or cannot make a living from his or her property.

217. In case of divorce, when custody is awarded to one of the parents, the other parent is obliged to contribute to the support of the child, while the amount of the contribution is determined by the court. The law provides that the guardianship agency has the possibility to request, on behalf of the child, the establishing and implementation of the duty to support the child if the other parent with whom the child lives does not do it.

218. The law obliges the guardianship agency to keep records of all decisions on supporting the child and, after a year from the date of establishing this responsibility, to check whether they are implemented, and to take adequate measures to protect the child.

219. The law provides for the possibility that the parents reach an agreement on the amount of the contribution for supporting the child before the guardianship agency, i.e. outside the court.

220. If the parent who is obliged, under a court decision, to make a contribution for the support of the child has not fulfilled this duty for more than three months, the guardianship authority is obliged to take measures to secure means for temporary support until the parent who is obliged to support the child starts to fulfil his or her duty again.

221. The Penal Code of the Republic of Croatia provides for the imprisonment of those who try to evade, by refusing employment, changing workplaces or in any other way, making contributions for support of the person whom he or she is obliged to support on the basis of an executive decision or court decision, or for those who refuse to carry out such decision. An especially grave form of this criminal offence occurs when it concerns an under-age person.

222. Parents have the right and responsibility to look after their under-age children, look after their lives and health, fulfil their needs and ensure material prerequisites for their further development. Parents are obliged to secure basic living conditions according to their financial possibilities, relying, above all, on their own incomes and property. If parents' income is not sufficient to fully meet the needs of the child, they are assisted by the State. This help is primarily financial. However, the State stimulates the work of humanitarian, religious and other organizations through which help for poor families can be secured beyond the level provided by the State.

223. Croatia has notified the 1956 Convention on the Recovery Abroad of Maintenance.

6. The child deprived of his or her family environment (art. 20)

224. A harmonious family environment is the most adequate environment for upbringing and development of the child. When children are deprived of parents' care and protection, the State secures alternative ways of providing for children, such as social welfare institutions and other families (foster families).

225. Social welfare institutions are established on the basis of the Law on Social Welfare and are of different kinds. In the Republic of Croatia there are 21 institutions for handicapped children (2 destroyed in the aggression against Croatia), 15 children's homes, 7 educational centres and 6 correction homes. When placing the child into a social welfare institution, it is obligatory to assess which institution is the most suitable for the child in order to provide him or her with the best protection and to achieve the purpose of his or her placement there.

226. Another kind of placement is foster home. The Law on Social Welfare as well as other regulations stipulate the criteria which must be fulfilled by the family in order to place the child in this family as a foster family. These families are assessed by groups of experts who evaluate their ability to bring up the child, their motivation and other relevant factors which have to be fulfilled in order to accept a family as a foster family. The placement in another family is preferred because it is in the interest of the child to live in an environment as natural as possible. When choosing a foster family, the child's origin, religion, cultural habits, etc. are taken into consideration. Professional help as well as supervision of the achievements in upbringing are provided by social welfare services on the basis of the law.

227. Under-age children whose mental and physical development cannot be realized in their own families (minor persons without parental guidance, minor persons whose development is endangered by their family situation and minor persons whose behaviour is socially unacceptable) are placed in an institution or a foster family. An under-age person over 15 who is capable of understanding the importance of his or her placement gives his or her consent for placement. A minor person under 15 is placed in a foster family with his or her parents' consent.

228. With regard to article 3, paragraph 3, of the Convention on the Rights of the Child, the State provides professional supervision and stipulates standards that must be fulfilled by the factors responsible for protection and care of the child who is temporarily or permanently deprived of living in his or her natural family. As for the placement of the child in a foster family, characteristics of the member of the family who takes responsibility for the person placed in this family (hereinafter foster parent) are prescribed as well as the quality of the foster family, standards that have to be fulfilled concerning the conditions of accommodation, food, studying, rest and fulfilling of all the other needs and interests of the child. The foster parent is entitled to compensation and is obliged to fulfil his responsibility under the contract, and to act according to the guidance of the social welfare service. The competent government service that decided on the child's placement has to take care that the child is returned to his or her family as soon as possible or consider possible adoption, as well as to provide professional assistance to the foster parent and to supervise the foster family.

229. Another possibility for substituting the family environment is the placement of the under-age child in a social welfare institution. The decision on placement is made by the social welfare service on the basis of the opinion of a group of experts, executive decisions by the court or guardianship agency, or on the basis of findings and opinions by an expert commission. A child is placed in an institution when it is necessary that services provided by these institutions, individually or as a whole, fulfil the social and protection needs of an under-age user of social welfare. A social welfare institution and social welfare service are obliged to cooperate and jointly take care of the user, and to make preparations for his or her discharge when the conditions for adequate further care (in the child's own family, adoption, or implementation of any other form of protection) or for independent life and work are fulfilled.

230. The Croatian branch of Caritas, besides its humanitarian activities, takes care of children deprived of parental care. In Croatia, the "SOS Children's Village" has been recently founded, and its methods and organization meet modern psychological and social standards for upbringing of children.

7. Adoption (art. 21)

231. Adoption is an institute creating the relation between the adopter and the adoptee similar to that between parents and the child. Issues concerning adoption are regulated by the Law on Marriage and Family Relations which very successfully protects the interests of the adoptee, the adopter and the adoptee's natural parents. Under the Law, there are two kinds of adoptions: plenary adoption (adoptio plena) and simple adoption (adoptio minus plena). In practice, plenary adoption has proved to be especially successful. By implementing this kind of adoption, the full protection of the adoptee, the adopter and the natural parents, is achieved. In the Republic of Croatia, despite favourable legal provisions, the institution of adoption has only recently begun to acquire importance. In 1992, there were 131 adoptions of which 91 were plenary adoptions and 40 were simple adoption in the Republic of Croatia. According to the data compiled by the end of September 1993, there has been an increase in the number of adoptions, so that there were more adoptions in that period than in the whole year of 1992.

232. The Law also provides for the possibility of international adoption, but only exceptionally and if it is to the child's best interests. There is no doubt that it is useful in cases of adoption by the stepmother, stepfather, relatives or persons who have already created an emotional link with the adoptee. Beside the above-mentioned cases, foreign citizens are allowed to adopt a child who is a citizen of the Republic of Croatia only if there are no suitable and interested adopters who are citizens of the Republic Croatia. It should be pointed out that the number of requests by foreign citizens for adoption of children who are citizens of the Republic of Croatia has been considerably increased since the beginning of the war and aggression against the Republic of Croatia. However, since the number of children put up for adoption is much lower than the number of requests, citizens of Croatia are always given preference over foreign ones. There were 12 international adoptions in 1992, and 15 by the end of September 1993.

233. The State is responsible for the whole process of adoption, from choosing the adopter to the adoption procedure, which is free of charge. In implementing the adoption, the State authorities are governed by the child's best interests only. Legal prerequisites for adoption concerning adopter and adoptee are in conformity with the prerequisites stipulated by the European Convention on Adoption.

234. In practice, competent bodies are faced with problems of too great a number of requests for adoption both by foreign and domestic adopters. The reason for that is incorrect information about the number of children who lost their parents in the war and aggression against the Republic of Croatia and children born to mothers who were raped.

8. Illicit transfer and non-return of children (art. 11)

235. The Republic of Croatia has notified the Hague Convention on Civil Aspects of International Child Abduction of 25 October 1980. By the act of notification, the Republic of Croatia committed itself to this Convention as from 7 October 1991. Under the act of notification, the Ministry of Labour and Social Welfare is the central executive body for exercising the responsibilities arising from this Convention while the Ministry of Justice is the central executive body for filing requests.

236. The 1980 European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children has not yet been ratified by the Republic of Croatia since it has not become a member State of the Council of Europe yet.

237. The Ministry of the Interior of the Republic of Croatia has not registered any case of illicit transfer or non-return of children in Croatia.

9. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

238. Criminal legislation of the Republic of Croatia punishes the abuse and neglect of children. Kidnapping of children, sexual abuse of children, procuring, taking away of minor persons, abandoning of the child, neglect and abuse of minors are stipulated as serious criminal offences. Besides the above-mentioned criminal offences, under the Penal Code of the Republic of Croatia the following are also considered criminal offences: living out of wedlock with a minor person, incest, violation of family responsibilities and violation of the duty to support. It should be pointed out that new criminal legislation of the Republic of Croatia is being drafted and attention is being paid to stipulating criminal offences against marriage, family and youth, which will comprise, besides the already existing criminal offences, the criminal offence of introducing children to pornography.

239. The most serious measure for protection of children from abuse and neglect stipulated by the Law on Marriage and Family Relations is deprivation of parental rights. It is implemented with regard to a parent (or parents) who abuse their parental rights or seriously neglect the exercise of their parental duties. A decision on deprivation of parental rights is taken by the court at the proposal of the other parent (if he or she has parental rights), the guardianship authority or public prosecutor. Deprivation of parental rights means cessation of all the rights with regard to the child, except the parent's duty to support the child. The Law provides for the possibility of returning parental rights at the proposal of the other parent, guardianship authority or public prosecutor in proceedings identical to proceedings for deprivation of parental rights. The decision on deprivation or return of parental rights is registered on the child's birth certificate. The law does not provide for keeping records on parents deprived of their parental rights but this matter will be regulated by the new family law.

10. Periodical review of treatment (art. 25)

240. Under the law, social welfare services are obliged to visit, at least once a year, the child placed in an institution or foster family in order to check on the treatment and care of every child. If it is established that the placement is not adequate, that the child is not receiving the necessary care and protection or that the child is not receiving the education appropriate to his or her capability, the social welfare service can, in order to protect the interests of the child, decide on a change of placement or a form of protection that will be appropriate for the child and provide him or her with full protection.

241. At the end of 1992, in the Republic of Croatia there were 1,879 children placed in social welfare institutions and 1,517 children placed in foster families. The data on children being provided for by Caritas are not available to the government authorities.

242. It should be mentioned that so far only general records on placement of children have been kept and that records kept according to the sex and age of the child, suitable for modern standards of protection of children, are being introduced in the competent ministry.

243. There is a possibility of temporary placement of children and their mothers in the so-called "Autonomous Women's House" for an urgent placement of children who are jeopardized by their family situation. This placement, professional help, supervision and financing are not under State jurisdiction although the State has tried to cooperate with them.

F. Health and social welfare

1. Survival and development (art. 6, para. 2)

244. The promotion and preservation of the health of children are of special importance for every country, especially one with an "old" population such as Croatia. According to the 1991 census, children under 7 made up 8.4 per cent of the overall population. In 1991, the share of live-born children was 10.8 per cent (51,829 children). According to the data of the Croatian Bureau of Statistics, the number of live-born children whose mothers were residents of Croatia was 46,970. In 1991, the birth rate was 10.8 per 1,000 people, and due to losses of population in the war, a negative natural population growth was recorded (-0.6 pro mille); such figures had been previously recorded in Croatia only during the World Wars. All the horrors of the war that Croatia experienced during 1991 did not stop after the international recognition of Croatia, and they undoubtedly still influence mortality, further decline of birth rate (9.8 per 1,000 citizens in 1992) as well as natural population growth. Such population trends mean that care for children is one of the priorities of both health care and society as a whole.

245. Extra-hospital health care of infants and small children is generally provided by special services, run mostly by paediatricians. In this way, about 60-70 per cent of children under 7 are provided with health care. In municipalities where only a small number of children live, health care is organized jointly for preschool and schoolchildren or the children are taken

care of by general practitioners. One doctor with full working hours takes care of about 1,200 children. In 1992, 204 paediatricians and 120 general practitioners with full working hours, 134 nurses with two-year post-secondary school qualifications and 354 nurses with secondary school qualifications were employed in health care for infants and small children.

246. Health care for infants and small children was provided separately in 65 municipalities while in 10 municipalities it was united with health-care services for children and youth, and in 13 municipalities it was provided by general practitioners. In Croatia there are 93 counselling centres for infants and small children of which 16 in the City of Zagreb.

247. In 1992, 2,218,975 medical check-ups (4 per cent more than the previous year) were recorded. Counselling centres for infants and small children recorded 257,361 visits by infants (9 per cent less than in 1991) and 156,713 visits by small children (2 per cent more than in 1991). Community nursing recorded fewer visits than in the preceding year (151,634 visits to infants or 19 per cent less, and 43,530 visits to small children or 25 per cent less). In comparison with 1991, the number of check-ups per doctor is somewhat lower (6,848 check-ups in 1992; 7,537 in 1991). The counselling centres for infants recorded 794 visits per doctor (1,001 in the preceding year) while counselling centres for small children recorded 483 visits (599 in the preceding year).

248. According to the reports on illnesses of infants and small children provided by health-care services, 1,065,052 established diseases and conditions were recorded while there was no change in the order of diseases. Most common are diseases of respiratory organs, making up 58 per cent of the total number of all diseases (the same as the preceding year). These are mostly light infections of the upper respiratory tract making up almost 90 per cent in the last few years, while infections of the lower respiratory tract have made up 4-5 per cent of all the registered diseases of the respiratory system. Second most common are infectious and parasitic diseases making up 10.3 per cent, of which the most common are intestinal infectious diseases, streptococcus infections and smallpox. These diseases are recorded in over 50 per cent of all registered extra-hospital infectious diseases. The number of children's infectious diseases that are subject to obligatory vaccination, which have for years made up a very small percentage in the overall number of illnesses, was somewhat lower in comparison with the preceding year. In 1991, it was much more difficult to carry out regular vaccinations due to the war. In the third place continue to be diseases of the nervous system and organs of senses (9.6 per cent) while in the fourth place are diseases of the skin and subcutaneous tissues. Then come the diseases of the alimentary canal with somewhat lower percentage than last year (5.3 per cent) and symptoms and insufficiently defined conditions and lesions. Neoplasms are still the least frequent but this year their number continues to slowly increase, as was the case in the preceding years.

249. In 1991, the most common causes of the death of infants were: respiratory distress syndrome, intrauterine hypoxia and childbirth anoxia as well as other respiratory conditions of the foetus and the newborn child. It can be seen from the above-mentioned that the leading causes of the death of

infants are connected with the perinatal period, i.e. pregnancy and childbirth. Therefore, in order to decrease postneonatal mortality, special attention should be paid to good prenatal protection.

250. In the last 10 years, the percentage of children aged between 1 and 14 in the overall mortality has decreased (1983 - 0.66 per cent; 1987 - 0.58 per cent; 1991 - 0.50 per cent). The leading causes of the death of children aged 1-4 are injuries and poisonings, congenital anomalies and neoplasms. The leading causes of the death of children aged 5-14 are injuries, poisonings and neoplasms. In order to reduce "unnecessary" deaths caused by accidents which are the leading cause of deaths of children aged 1-14, special care should be paid to the prevention of such accidents.

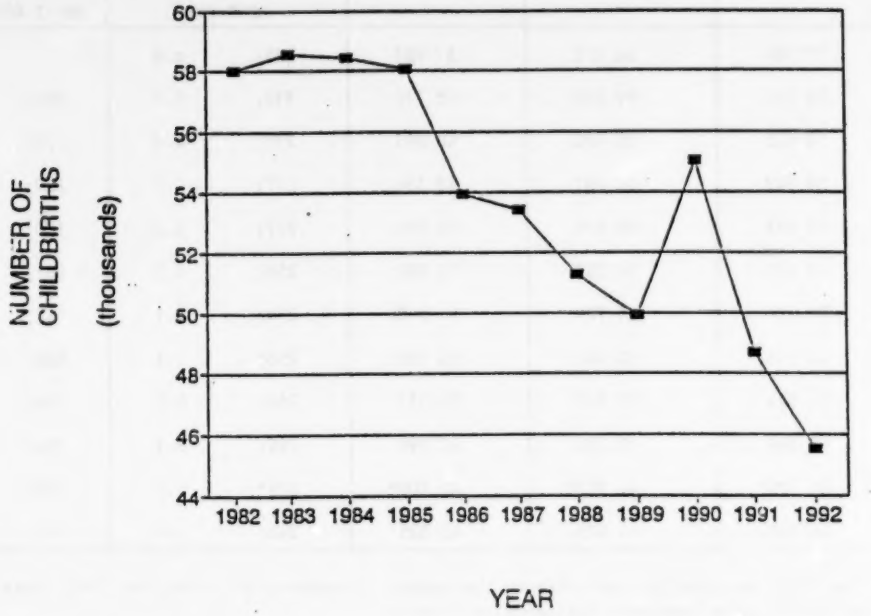
251. The war has also affected the submission of reports to the health-care services for infants and small children which will, together with other difficulties, influence the data on personnel structure, number of visits and number of established diseases and conditions within the framework of the health care for infants and small children. The reports on the employees have not been submitted by 13 municipalities from the regions that have been either occupied or under UNPROFOR protection, while some medical institutions in exile have submitted the data on personnel structure (medical centres in Petrinja and Pakrac while the data on personnel employed in the health-care services for infants and small children are not submitted by the medical centres in Beli Manastir and Drniš). The reports on the activities in the second half of the year have not been submitted by medical institutions from some municipalities which have been hit by war (Daruvar, Novska, Otočac and Pakrac) and from the temporarily occupied municipalities (Knin, Petrinja, Slunj, Vukovar).

252. According to the data of the Croatian Institute for Public Health, 45,825 children were born in 1992, of whom 42,009 to mothers who are residents of the Republic of Croatia and 3,816 to mothers having permanent residence outside the Republic of Croatia. The total number of children born in Croatian institutions, regardless of the permanent residence of the mother, was 6.5 per cent less than in the previous year. The lack of data from the temporarily occupied territories and the decreased number of childbirths are the reasons for the 14.3 per cent decrease in the total number of newborns whose mothers are residents of Croatia on the basis of the reports submitted by medical institutions in the previous year.

253. According to data of the Croatian Bureau of Statistics, in 1992 there were 46,970 live-born babies which is 9.4 per cent less than in the previous year. The total number of newborns was 47,231 or 10.6 per cent more than the number reported by medical institutions; there is a discrepancy between the data of the Ministry of Health and the data of the Croatian Bureau of Statistics because a certain number of children were born outside Croatia, but there are also some imperfections in reporting by some medical institutions.

Chart 1.

NUMBER OF CHILDBIRTHS IN THE REPUBLIC OF CROATIA
IN THE PERIOD 1982-1992



254. The inability of some medical institutions to function due to damage caused by war activities, inability of displaced persons to return to their homes, refugees from Bosnia and Herzegovina - all these factors in 1991 and 1992 caused some of the medical institutions to be under much greater strain than before. Some extra hospital maternity institutions (e.g. Metković and Imotski) are doubly strained due to accepting pregnant women who are refugees from Bosnia and Herzegovina. Since this is an emergency situation that does not influence the population trends in Croatia as much as the volume and efficiency of work of medical institutions, from 1992 on only births by mothers with permanent residence in the Republic of Croatia will be analysed.

255. In 1992, in Croatian maternity hospitals there were 41,759 childbirths of which 42,009 were live-born children and 224 still-born (5.3 per 1,000 of the total number of newborns), 102 newborns who died (2.42 per 1,000 of live-born children). The ratio of sexes among live-born is about 107 male children to 100 female. The mortality rate was 5.33 (in 1991 it was 5.29).

256. Comparing the data from the last 10 years, 1992 had the lowest number of childbirths, about 20 per cent less than in 1983. When taking into account the childbirths only by women with permanent residence in Croatia, there were 29 per cent fewer childbirths than in 1983. Among them, more are first-borns (39.78 per cent) than second childbirths (37.46 per cent); during the last three years, an increase in the number of women who are having babies for the third and fourth time can be noticed.

Table 1. Childbirths in Croatia, 1982-1992

Year	Number of childbirths	Total number of newborns	Number of live births	Number of still-born and rate per 1 000 newborns		Number of newborns who died and rate per 1 000 live-born	
1982	57 984	58 272	57 887	385;	6.6	-	
1983	58 542	59 049	58 710	339;	5.7	299;	5.1
1984	58 435	58 970	58 693	277;	4.7	27;	4.8
1985	58 043	58 631	58 354	277;	4.7	229;	3.9
1986	53 923	54 471	54 244	227;	4.2	180;	3.3
1987	53 416	54 057	53 802	255;	4.7	261;	4.9
1988	51 281	51 729	51 518	211;	4.1	142;	2.8
1989	49 940	50 445	50 189	256;	5.1	160;	3.2
1990	55 054	55 573	55 313	260;	4.7	114;	2.1
1991	48 689	49 258	48 999	259;	5.3	81;	1.7
1992	41 795*	42 233*	42 009*	224*;	5.3	102*;	2.4
	45 533	45 825	45 825	248;	5.4	111;	2.4

Note: For 1982, no data are available on the number of newborns who died; for 1992, data marked with * relate to mothers with permanent residence in Croatia.

257. In the last 10 years, the number of women who gave birth without previously having an abortion has been continually increasing (69.43 per cent) while the number of women who had one or more terminations of pregnancy has decreased. The share of childbearing women who previously had several abortions is very small (11.91 per cent) of the total number of childbearing women.

258. In the last 10 years, complications during childbirth have occurred in about 30 per cent of all childbirths, most common being episiotomy (42.6 per cent of all complications) and Caesarian section (18.8 per cent). Of the total number of women who have complications at childbirth, 67.05 per cent are aged 20-29 while 24.33 per cent are aged 30-39. In comparison with the total number of childbirths by women in certain age groups, most complications occur within the age group of 46-49 years (59.1 per cent) and the age group 16-19 (36.3 per cent). The greatest number of Caesarian sections, according to the number of childbirths of women of certain age groups, was performed on the older women (13.6 per cent on women aged 45-49 and 13.2 per cent on women aged 40-44).

259. Complications during confinement are less frequent than other complications connected with maternity. There were 149 of them, anaemias being most frequent. Taking into consideration all the complications in confinement, they are most common with women aged 20-29 and 30-39. However, when analysing them according to the number of childbirths in certain age groups, the picture is slightly different. Most complications occur with women aged 40-44 (1.01 per cent).

260. Most pregnant women with complications in pregnancy give birth to the child on time (82.04 per cent), while 15.46 per cent give birth prematurely, and 1.34 per cent have a prolonged pregnancy, while for 1.16 per cent there are no data on duration of pregnancy. Most women who have complications during childbirth give birth on time (91.17 per cent), 7.80 per cent prematurely, 0.56 per cent had prolonged pregnancy, while for 0.47 per cent no data are available.

261. Most live-born children weigh at childbirth between 3,000 and 3,499 grammes (16,040 children or 38.18 per cent) then between 3,500 and 3,999 grammes (11,825 children or 28.15 per cent); 2,604 children or 6.20 per cent are less than 2,500 grammes. Most children with "ideal" weight (3,000-3,499 grammes) were born to mothers aged 20-29. Children who are less than 2,500 grammes at childbirth are more frequently born to older mothers or very young mothers, compared with the number of births in that age group.

262. In 1992, 21.26 per cent of live-born children with some kind of pathological conditions at childbirth were registered. The ratio of male and female live-born is 1 female baby with a pathological condition to 1.46 male babies with a pathological condition. Of the total number of children born with pathological conditions, most children were born to mothers aged 20-29 and 30-39. However, taking into account the age of the mother, most children with pathological changes were born to mothers over 50 (71.43 per cent), mothers aged 45-50 (43.48 per cent) and 40-44 (30.08 per cent). The most commonly diagnosed pathological condition is "heavy for dates" followed by prematurity and "small for dates".

263. Out of 102 newborns who died, 44 were female and 58 male (1:1.31). More than half of those who died were premature babies (42.16 per cent) and extremely non-mature newborns (15.69 per cent). The share of the newborns who died in the total number of the newborns according to the age of mothers is less than 0.5 per cent in all age groups, except when mothers are over 50 (14.29 per cent) or under 15 (3.13 per cent).

264. Out of 41,759 childbirths, 41,293 (98.89 per cent) were simple childbirths. Of all multiple childbirths, twins were born in 459 cases (1.10 per cent), triplets in 6 cases (0.01 per cent) and quadruplets in one case (0.02 per cent). Of every 1,000 simple childbirths there are 11.12 multiple childbirths. Twins make up 2.10 per cent of the total number of live-borns and 16.96 per cent of the total number of still-borns. However, the death rate for simple childbirths is 4.5 per 1,000 live-borns while the death rate for twins is 43.18 per 1,000 live-born twins.

LIVE-BORN CHILDREN BY SEX, WEIGHT AT CHILDBIRTH AND AGE OF MOTHERS, 1991 AND 1992

Weight at birth	Sex	Total		Age of mothers													
				under 15		15-19		20-29		30-39		40-41		45-49		over 50		n.a.	
grammes		91	92	91	92	91	92	91	92	91	92	91	92	91	92	91	92	91	92
under 499	male	3	0	6	0	0	0	1	0	1	1	0	2	1	0	1	0	1	0	0	0
	female	0			0			0			2	0		0		0	0	0		0	
500-999	male	33	25	42	0	0	0	0	2	2	19	14		10	7	1	1	1	0	0	1	4	1	3
	female	31			0			1			23	16		12	9	0		0	1	0		2		
1000-1499	male	136	133		0	1	0	10	5		74	61		40	57	3	4	3	0	0	1	0	1	9	3	6
	female	135	121		0			5	10		74	62		47	44	4			0	0		0		1		
1500-1999	male	287	263		1	2	0	17	16		160	131		78	99	5	9	5	1	1	1	0	1	5	5	9
	female	292	248		0			10	20		168	143		32	78	2			0	0		0		5		
2000-2499	male	861	817		1	3	1	67	52		551	503		224	226	14	24		0	1	1	0	1	14	8	
	female	1073	966		1			65	71		648	594		314	273	20	20		1	1		0		26	6	
2500-2999	male	3445	3174		7	7	4	253	221		2358	2087		754	784	24	45		2	1	1	1	1	46	28	
	female	4490	4144		3			332	279		3085	2783		880	993	50	51		2	2		3		50	30	
3000-3499	male	8864	7741		10	5		555	461		6199	5329		1522	1782	71	90		7	4	1	0	1	109	70	
	female	9685	8299		7	5		536	407		6757	5668		2130	2012	121	119		5	1		1		128	86	
3500-3999	male	8263	6836		5	1	3	348	289		5690	4629		2133	1775	80	76		5	5	1	2	1	114	59	
	female	6221	4989		2			256	217		4206	3288		1533	1374	74	63		4	1		0		84	44	
above 4000	male	3155	2462		0	0	0	37	29		2034	1523		531	792	42	52		4	2	1	0	1	45	14	
	female	1592	1225		0			42	26		992	733		522	427	23	26		2	3		0		24	10	
no data	male	233	294		0	0	0	12	18		163	179		45	83	11	4		0	0	3	0	3	2	10	
	female	200	241		2			11	21		126	159		46	53	1	5		0	0		0		15	1	
total	male	25260	21745		24	19		1366	1145		17241	14456		6118	5605	231	305		15	14	5	3	5	348	196	
	female	23739	20264		15	13		1256	1054		16081	13446		5630	5262	315	290		14	9		4		345	185	

Note: the 1992 data relate to children whose mothers are residents of Croatia.

LIVE-BORN CHILDREN WITH PATHOLOGICAL CONDITIONS AT CHILDBIRTH, BY THE SEX AND AGE OF MOTHERS, 1982-1992

Year	Total	Total male female	Age of mothers													
			under 15 male	under 15 female	16-19 male	16-19 female	20-29 male	20-29 female	30-39 male	30-39 female	40-44 male	40-44 female	45-49 male	45-49 female	over 50 male	over 50 female	n.a. male	n.a. female
1982	4172 100%	2210 1962 53.7% 47.0%	4	1	184	173	1563	1341	403	398	36	25	0	1	0	1	15	22
1983	6936 100%	3852 3084 55.5% 44.5%	9	3	282	319	2663	2034	839	658	31	32	3	3	2	0	23	35
1984	11513 100%	6023 4690 59.3% 40.7%	3	5	403	251	4748	3306	1482	997	73	48	16	3	1	1	97	79
1985	9268 100%	5178 4090 55.9% 44.1%	4	4	398	275	3103	2738	1497	952	58	46	5	1	2	0	111	74
1986	9579 100%	5772 3807 60.3% 39.7%	4	1	338	269	3944	2531	1321	889	56	40	4	12	0	0	105	65
1987	11800 100%	6930 4900 58.5% 41.5%	11	5	415	323	4670	3327	1631	1119	83	46	3	2	0	4	87	74
1988	10898 100%	6334 4504 58.7% 41.3%	8	2	309	275	4430	3010	1490	1117	63	43	8	2	2	1	84	54
1989	10569 100%	6245 4324 59.1% 40.9%	6	5	309	261	4181	2769	1608	1174	68	53	13	9	1	0	59	53
1990	12686 100%	7459 5227 58.8% 41.2%	13	6	368	235	4915	3415	1967	1416	89	85	4	2	2	3	101	65
1991	11142 100%	6547 4595 58.8% 41.2%	3	1	290	203	4221	2880	1828	1348	84	73	8	4	3	2	110	84
1992	8931 100%	5238 3633 59.3% 40.7%	5	1	224	178	3281	2196	1626	1153	111	68	5	5	1	4	45	28

Note: 1992 data relate to children whose mothers are residents of Croatia.

NEWBORNS WHO DIED, BY SEX AND AGE OF MOTHERS, 1982-1992

Year	Total	Total male/ female	Age of mothers											
			under 15 male female		15-19 male female		20-29 male female		30-39 male female		40-44 male female		45-49 male female		over 50 male female		male n. a. female	
1982																		
1983	348 100%	183 165 52.5% 47.5%	0	0	18	21	118	88	24	22	1	2	0	0	1	0	1	1
1984	279 100%	178 101 63.1% 36.9%	1	0	19	3	112	75	38	19	5	2	1	2	0	0	0	2
1985	229 100%	138 91 60.3% 39.7%	0	0	21	10	81	62	34	17	1	0	0	0	0	0	1	2
1986	180 100%	101 79 56.1% 43.9%	4	3	12	5	68	53	16	16	0	1	0	1	0	0	1	0
1987	281 100%	181 100 61.7% 38.3%	1	2	14	8	99	62	43	20	7	1	0	0	0	0	6	1
1988	142 100%	82 60 57.8% 42.2%	1	0	4	1	54	45	22	14	0	0	0	0	0	0	1	0
1989	160 100%	86 74 53.8% 46.2%	0	0	4	5	60	55	19	13	1	0	1	0	0	0	1	0
1990	114 100%	72 42 63.2% 36.8%	0	0	5	3	53	26	12	12	1	0	0	0	0	0	1	1
1991	81 100%	39 42 48.2% 51.8%	0	0	3	3	28	28	4	12	3	1	0	0	0	0	3	1
1992	102 100%	58 44 56.9% 43.1%	1	0	7	5	29	27	20	10	0	0	0	0	0	0	0	2

Note: For 1982, data are not available on the number of newborns who died.
For 1992, data relate to the newborns who died whose mothers are residents of Croatia.

Number of children born to women of child-bearing age, 1982-1992

Year	No. of children in childbirth	No. of child-bearing women	%	Total			
				Live-born		Stillborn	
1982	one	57 699	99.50	57 343	99.06%	356	92.47%
	two	282	0.49	536	0.93%	28	7.27%
	three	3	0.01	8	0.01%	1	0.26%
	total	57 984	100.00	57 887	100.00%	385	100.00%
1983	one	58 044	99.14	57 733	98.33%	311	91.74%
	two	498	0.85	968	1.65%	28	8.26%
	three	3	0.01	9	0.02%	0	0.00%
	total	58 545	100.00	58 710	100.00%	339	100.00%
1984	one	57 903	99.09	57 642	98.21%	261	94.22%
	two	529	0.90	1 042	1.77%	16	5.78%
	three	3	0.01	9	0.02%	0	0.00%
	total	58 435	100.00	58 693	100.00%	277	100.00%
1985	one	57 461	99.00	57 229	98.07%	232	83.75%
	two	576	0.99	1 108	1.90%	44	15.89%
	three	6	0.01	17	0.03%	1	0 36%
	total	58 043	100.00	58 354	100.00%	277	100.00%
1986	one	53 384	99.00	53 180	98.04%	204	89.87%
	two	530	0.98	1 037	1.91%	23	10.13%
	three	9	0.02	27	0.05%	0	0.00%
	total	53 923	100.00	54 244	100.00%	227	100.00%
1987	one	52 782	98.81	52 555	97.68%	227	89.02%
	two	628	1.18	1 231	2.29%	25	9.80%
	three	5	0.01	12	0.02%	3	1.18%
	four	1	0.00	4	0.01%	0	0.00%
	total	53 416	100.00	53 802	100.00%	255	100.00%
1988	one	50 836	99.13	50 646	98.31%	190	90.05%
	two	442	0.86	863	1.68%	21	9.95%
	three	3	0.01	9	0.01%	0	0.00%
	total	51 281	100.00	51 518	100.00%	211	100.00%
1989	one	49 441	99.00	49 209	98.05%	232	90.63%
	two	493	0.99	963	1.92%	23	8.98%
	three	6	0.01	17	0.03%	1	0.39%
	total	49 940	100.00	50 189	100.00%	256	100.00%
1990	one	54 544	99.07	54 301	98.17%	243	93.46%
	two	501	0.91	985	1.78%	17	6.54%
	three	9	0.02	27	0.05%	0	0.00%
	total	55 054	100.00	55 313	100.00%	260	100.00%
1991	one	48 137	98.86	47 923	97.81%	214	82.62%
	two	540	1.11	1 039	2.12%	41	15.83%
	three	8	0.02	21	0.04%	3	1.16%
	four	3	0.01	11	0.02%	1	0.39%
	five and more	1	0.00	5	0.01%	0	0.00%
	total	48 689	100.00	48 999	100.00%	259	100.00%
1992	one	41 293	98.89	41 108	97.86%	185	82.59%
	two	459	1.10	880	2.10%	38	16.96%
	three	6	0.01	17	0.04%	1	0.45%
	four	1	0.00	4	0.00%	0	0.00%
	five and more	0	0.00	0	0.00%	0	0.00%
	total	41 759	100.00	42 009	100.00%	224	100.00%

265. In the 1991/92 school year, 594,777 pupils attended ordinary and special elementary and secondary schools in the Republic of Croatia. The number of elementary school pupils, which for years has been around 500,000, has been reduced by about 120,000 in the last five years and in the school year 1989/90 by about 100,000 pupils, which is a direct consequence of the war in Croatia. Although in the school year 1991/92 there were no serious war conflicts in most parts of Croatia, the consequences of the aggression such as damage to school buildings, as well as physical damage, have continued to affect children. Unfortunately, in some parts of Croatia that are free, teaching has not been regular for two school years now while every attempt to resume normal life has failed due to sudden Chetnik attacks. Children from some regions have irretrievably lost their childhood and education.

266. The organizational structure of the health-care system is almost the same as it was in previous years. As a separate kind of care it exists in most municipalities (66), as medical protection of preschool and schoolchildren in 10 municipalities, while in 9 municipalities the schoolchildren are taken care of by general practitioners. No data are available from the temporarily occupied parts.

267. At the end of 1992, the clinics for health care of children employed 318 doctors, of whom 216 specialized in medical protection of schoolchildren, which corresponds with the data from previous years. There were 152 nurses with two-year post-secondary school qualifications and 342 nurses with secondary school qualifications, i.e. the ratio of doctors and nurses was 1:15.

268. In 1992, the total number of registered medical check-ups was 2,171,812 which is higher than the year before (2,166,314) but one third lower than before the war (3,007,873). The number of thorough check-ups in the school year 1991/92, which is the war year, was considerably lower (by about 28 per cent) than in the previous year. The total number of thorough check-ups was 167,876. However, since the number of students has been reduced due to war migrations and occupying of some territories, only about 25 per cent of the total number of pupils had thorough check-ups. The number of check-ups in clinics per doctor was about 7,000, while there were about 900 thorough and control check-ups per doctor.

269. The war-related changes in the death rate of schoolchildren and youth in clinics registered in 1991 continue to be present and there is no doubt that they are long-term consequences of the war. Diseases of the respiratory organs (44.8 per cent of diagnoses) still prevail, a number slightly higher than in the previous year (43.4 per cent) but lower than before the war (46.4 per cent). The increase of the number of mental problems and deviant behaviour among children aged 6-14 recorded in 1991 remained unchanged only in the age group 10-14. The number of such problems among younger children is again as it was before the war. Diseases of the skin and subcutaneous tissue are still more frequent in all the age groups under 19 than before the war. Injuries of older children which were frequent last year continue to be frequent in the age group 15-19. Diseases of the genital-urinary tract have continued to be higher among high school students; it is interesting that although their numbers have not increased since the previous year, anomalies were more frequent in 1992 than they were in the pre-war year of 1990.

Infectious and parasitical diseases, despite the hazards due to migrations, difficulties in water supply and poor accommodation, have not increased among schoolchildren either in 1991 or 1992. There are no separate records on morbidity rates for children who are refugees and displaced persons.

2. Disabled children (art. 23)

270. In the Republic of Croatia there are about 9,000 disabled children and youths under 19 who are registered with the social welfare services, of whom about 3,000 are in social welfare institutions. Mentally and physically disabled children and youth are grouped into several categories according to the type of disability, its etiology and consequences. These categories are: children and youth with visual impairments, children and youth with hearing impairments, children and youth with speech impediments, physically disabled children and youth, mentally disabled children and youth, children and youth with personality changes caused by organic factors or psychosis, and children and youth who have several types and levels of impediments in their physical or mental development.

271. In accordance with the special needs of disabled children and youth, the community provides for special assistance within the framework of welfare as an organized social activity. Social welfare is provided in such a way as to take into account the special needs of every category, to implement the provisions of the Law on Social Welfare and the By-law on Implementation of Social Welfare, and it closely cooperates with health care, education, old-age pension insurance, disability insurance and employment.

272. The Constitution guarantees special protection to disabled children and youth. Physically and mentally disabled children as well as socially neglected children have the right to special care, protection and education. The policy of protection of physically and mentally disabled children and the youth is directed towards integration of these persons into normal everyday life, in accordance with the type and level of disability of each child. It should be mentioned that the stay of these children in their own families is encouraged and that there are two possibilities between which a family with a disabled child can choose: allowance for providing help and care by another person or the right to shorter working hours of the parents of seriously disabled children which is stipulated by the Labour Relations Act and By-law on the Rights to Shorter Working Hours due to Taking Care of a Seriously Disabled Child.

273. It also has to be mentioned that the activities of social welfare services are based on the principle of ensuring conditions for the integration of disabled children and youth into everyday life, which is the final aim of the programme of work with these persons. Recently, there have been activities for establishing housing communities which proved to be very efficient in the Western countries, since in such communities the living conditions are similar to those in a family.

274. In Croatia, in cooperation with numerous organizations which are not under the auspices of the State (e.g. Association of Persons with Impairment of Eyesight, Union of Societies for Providing Help to Mentally Disabled

Persons, Association of Persons with Impairment of Hearing, etc.), solutions are jointly found concerning other possibilities and forms of helping disabled children and youth.

275. Along with various rights and forms of social welfare that a person who needs social welfare services can exercise, disabled children and youth are also entitled to special rights with regard to their disability. The rights and forms that can be exercised within social welfare services on the local level are as follows: allowance for help and care provided by another person, placement in social welfare institutions, placement in other families, vocational training, and the right of parents of seriously handicapped children to shorter working hours. The Law on Marriage and Family Relations provides for the possibility for parents of a seriously disabled child who is not able to take care of his or her rights and interests to prolong their parental rights after the child comes of age.

276. Within the social welfare services, there are 19 institutions for providing for disabled children and youth, of which 13 are for mentally disabled children and youth, 3 are for children and youth with impairment of hearing, 2 for physically disabled children and youth, and 1 institution for children and youth with impairment of eyesight. Social welfare organizations for physically and mentally disabled children and youth provide the services of diagnosis, protection, health care, special education and training, as well as appropriate forms of professional help and organized vocational, cultural, entertainment, educational, sports and other activities in accordance with the needs, psychophysical abilities and interests of the users of these services. The new Law on Social Welfare being drafted, unlike the existing one, provides for the possibility of establishing private institutions for taking care of disabled children and youth.

277. A Commission for Disabled Persons has recently been set up within the Government of the Republic of Croatia, which takes care of the implementation of the existing legal provisions and initiates new ways of care for disabled children and youth.

278. It should be pointed out that the Republic of Croatia, due to war destruction, is in a very difficult situation which is partly reflected in care for disabled persons. Due to the aggression, two institutions have been evacuated while one that is located in the area hit by the war is still being used. One of the consequences of the war is that many families that have so far been able to take care of their disabled children are not able to do it any more since they themselves have been expelled from their homes, so that the institutions are under greater strain.

279. In the Republic of Croatia, all disabled children are guaranteed the right to free education according to their psychophysical condition. When the child becomes 6 years old, on the basis of the established psychopnysical conditions of the disabled child (blindness, deafness, physical disability, organic deficiencies, mental retardation, autism) the right to education is established in ordinary schools on the basis of a programme adjusted to them with an individual approach in work and the assistance of special teachers. For children who are integrated into ordinary schools, additional professional treatment in small groups is organized in order to improve their

rehabilitation that is being conducted either in the ordinary school itself or in the nearest special education institution. The so-called slightly disabled children (blind, deaf, physically disabled, slightly mentally retarded children, children without major deficiencies) are entitled to ordinary schooling, i.e. are integrated into ordinary schools in their place of residence and stay at their own home. Seriously disabled children exercise the right to special education, rehabilitation, health care, social welfare, and placement and board in special institutions or schools. The right to education with respect to a disability is regulated by a by-law and is exercised in the entire country. The form of education is determined locally.

280. Parents or guardians have the right to file an appeal to the State commission if they are not satisfied with the type of education that was determined at the local level. It is not possible to determine a type of education for any child which would separate the child from other children without previously conducting the procedure stipulated by the by-law, in order to prevent abuses. The State provides for the higher costs of education of disabled pupils, and their education is free. The State also provides for adequately equipped premises, special teachers, educational and rehabilitation appliances, group and individual work, transport and adult escort if the child is integrated in ordinary schools, and placement and board if the child is placed in a special institution or school.

281. Disabled students directly join an ordinary or special high school on the basis of documents on disability and the opinion of the regional staff service for vocational guidance. The State is obliged by law to ensure elementary education to the most seriously handicapped children until they are 21. The State ensures the programmes of social welfare, work and vocational activities.

282. Corporal punishment or any kind of degrading treatment is not allowed in any of the ordinary or special schools or institutions. A disabled pupil who is receiving obligatory education cannot be expelled from school. In cases when it is established that the form of education is not appropriate to the psychophysical condition of the pupil, the procedure for establishing an appropriate form of education is reintroduced at the request of either the school or the pupil, with the right to appeal if the parent is not satisfied.

283. In kindergartens, disabled children are integrated with other children, but in nine kindergartens there are also special groups for disabled children.

284. Besides schools where disabled pupils are integrated into ordinary classes, there are also separate classes for disabled children in 10 elementary schools and in 18 high schools. In the Republic of Croatia there are 42 special schools and special institutions: 2 for the blind, 6 for the deaf, 4 for the physically disabled, 22 for mentally retarded and autistic children, and 8 for children exhibiting deviant behaviour. These special schools and institutions are only for children who have serious disabilities.

285. It is very difficult to maintain a high level of the right to education of disabled children, due to the consequences of the war against the Republic

of Croatia, i.e. lack of financial means, number of refugee disabled children and children who became handicapped in the war, and partly or wholly destroyed institutions in which these children were educated and taken care of.

3. Health and health-care services (art. 24)

286. The Law on Health Care stresses in its principles that health care is implemented on the principles of comprehensiveness, continuity, accessibility and integrality of approach to primary health care and specialized approach to specialist consultant and hospital health care. Each citizen can freely choose his physician and dentist in primary health care. Children and youth are provided with complete health care (preventive, curative and rehabilitational) and women are provided with health care in connection with family planning, pregnancy, childbirth and maternity.

287. Health-care services are provided on primary, secondary and tertiary levels. The primary health care comprises, among other things, promotion and preservation of psychophysical and working abilities of students, university students, youth, etc.; health-care measures for preschool children, taking care of their health and improving their health and psychophysical abilities; medical protection of women during pregnancy, childbirth and afterwards, and taking care of other medical needs of women; health-care measures for disabled persons. Primary health-care services are provided by physicians, general practitioners, pediatricians, gynaecologists, specialists for medical protection of schoolchildren, epidemiologists, ecologists, and social medicine specialists and their associates. Primary health care for children is provided by pediatricians while primary health care for women is provided by gynaecologists with regard to pregnancy, childbirth, maternity, family planning and early discovering of cancer. Primary health care, especially of preschool and schoolchildren, is also provided by psychologists, speech pathologists and social workers or other specialists.

288. The specialized approach to certain forms of health care is provided to children and youth through 40-odd specialized institutions. They are mostly paediatric polyclinics, but there are also institutions specialized in individual medical branches. The following institutions should be pointed out: the Institute for the Protection of Mental Health of Children and Youth, the Institute for Protection of Children with Motility Disturbances, the Clinic for Lung Tuberculosis and Lung Diseases of Children and Youth, the Hospital for Chronic Diseases of Children and two Children's Hospitals for Respiratory and Allergic Diseases. There is also the Institute for Protection of Mothers and Children as a specialized institution for protection of the health of mothers and children only.

289. According to the Law on Health Care, rights deriving from obligatory health insurance are provided to all insurees on the basis of the principles of mutuality and solidarity. A child is insured as a member of the insuree's family, or if he or she is parentless, through an insuree who supports that child, until he or she is 15, and if the child attends high school or university, until the end of regular schooling. Children over 15 who have not finished elementary school, or those who upon finishing it have not found employment, also have the right to health insurance, if within 30 days from the date of their fifteenth birthday or from the date of finishing school,

they register with the Employment Bureau. Persons who, according to the regulations on schooling, have lost the status of pupil or regular university student, or have broken off regular schooling, maintain their right to health care for one year after the date of the termination of schooling, if they register with the Employment Bureau within 30 days from the date of termination of schooling, if they do not exercise this right on some other basis. Children who, due to illness or injury, have terminated their regular schooling, have the right to health insurance during their illness or injury, and this right deriving from obligatory health insurance is prolonged for the duration of the termination of schooling. Children who become totally and permanently disabled in accordance with special regulations before they become 15 or during their regular schooling, have the right to health insurance during their disablement. High school students who are Croatian citizens and have residence in the Republic of Croatia but have no health insurance as members of an insuree's family, have the right to health care to the same extent as members of the insuree's family. The right to health insurance of insurees (otherwise children are insured as members of family) due to accident at work or occupational disease is guaranteed to: children and students who take part in practical training, work in workshops or are on study trips, persons who after finishing schooling are on practical work regardless of whether they are paid for it, mentally and physically disabled children and youth working in workshops or obligatory practical training in educational institutions.

290. The quality of children's health and health-care services for children can be assessed on the basis of several elements: death rate of infants, death rate of children under 14, extra hospital morbidity and morbidity of hospitalized children (see tables under F.1).

291. The Government of the Republic of Croatia has adopted the Programme of Protection of and Help to the Victims of Abuse and the Basic Guidelines of the Republic of Croatia on Protection and Help to Women whose Pregnancy is the Consequence of Rape and Adoption as One Way of Help. So far 10 children have been born as a consequence of rape - four mothers are citizens of the Republic of Croatia and six are citizens of the Republic of Bosnia and Herzegovina.

292. The Programme of Measures and Actions for Rehabilitation of Disabled Children (adopted by the Parliament in 1976) has established measures for prevention, early discovery, diagnosis and systematic collecting and analysing of data on causes of certain forms of disability as well as protection and rehabilitation measures that have already been taken.

293. Under the Law on Protection of the Population from Infectious Diseases, counties are obliged to adopt measures for protection of the population from infectious diseases and to provide finances for implementation of these measures. Counties and medical institutions adopt measures for protection of the population from infectious diseases for the current year by proposal of the competent hygienic-epidemiological service. Measures for the protection of the population from infectious diseases can be general, special and other. General measures are, among others, taking care of sanitary conditions of food and drinking water. Special measures are, among other things, obligatory immunization, seroprophylaxis and chemoprophylaxis. It is obligatory to

immunize children against tuberculosis (tuberculosis activa), diphtheria, tetanus, whooping cough (pertusis), poliomyelitis, measles, mumps, German measles and hepatitis B.

294. AIDS is one of the infectious diseases the prevention and combating of which receive great attention in the Republic of Croatia, and the Government has adopted a National Programme on AIDS. Since 1990 the Commission for Prevention of AIDS has been operating within the Ministry of Health, which, according to its book of procedures, surveys the situation concerning AIDS in the Republic of Croatia, proposes measures for the prevention and treatment of AIDS, makes guidelines to medical and other workers on treating people with AIDS or HIV-positive persons, takes care of improving health education of the population, organizes community nursing, and takes part in drafting appropriate regulations. According to the records on AIDS, there is one child with AIDS in the age group 13-14 and one child in the age group 15-19.

295. The Law on Medical Measures for Exercising of the Right to Freely Deciding to Have Children stipulates the rights and duties of citizens regarding prevention of unwanted conception, termination of unwanted pregnancy and medical help to those who cannot have children for medical reasons. In order to enable citizens, especially young people, to exercise their right to be introduced to the methods and advantages of family planning, guidance centres and other forms of assistance have been organized in medical institutions, educational institutions, social welfare and other services. Furthermore, citizens, within the health-care services, have the right to be introduced to the methods and advantages of family planning and the importance and consequences of the use of the methods and means of regulating the time and number of childbirths and other forms of help with regard to family planning, the right to use contraceptives and the right to choose them. Termination of pregnancy can be performed until the end of the tenth week from the date of conception, at request of the pregnant woman. If the request for termination of pregnancy is submitted by a minor girl under 16, the parents' or legal guardian's consent together with approval of the guardianship authority is obligatory. If more than 10 weeks have passed from the date of conception, or if the termination of pregnancy might considerably jeopardize the health of the pregnant woman, the request is considered by the Commission. In case of a minor girl over 16 who is not married, the parents or legal guardians are informed about her request.

296. With regard to assisted procreation, the law provides that artificial insemination can be done with the husband's semen (homologous insemination) or with some other man's semen (heterologous insemination). In case of heterologous insemination, the semen donor is not allowed to know for which woman his semen is used, and an artificially inseminated woman is not allowed to know who is the donor of the semen. In the Republic of Croatia, 54 babies were born by means of homologous insemination in 1991, and 78 babies in 1992. In 1991, no child was born by heterologous insemination while there were 18 in 1992.

297. The Law on Taking and Transplanting of Parts of the Human Body for Purposes of Medical Treatment provides that the parts of the body of a deceased person can be taken for purpose of transplanting only if the deceased person, while alive, did not explicitly oppose it in a written statement.

Parts of the body for transplanting cannot be taken from an under-age person; if the receiver is an under-age child, the child's parents or legal guardians must give their written consent to transplanting.

298. The Law on Production and Traffic of Narcotics for the Protection of Health of People, Prevention of Social Problems and Prevention of Abuse of Narcotics puts a special emphasis on young people. The Government of the Republic of Croatia has adopted the Decision on Establishing the Commission for Prevention of Drug Abuse. The Commission operates within the Government of the Republic of Croatia. It proposes measures for combating drug abuse, compiles and analyses data on drug abuse in the Republic of Croatia and maintains contacts with international organizations and other appropriate international institutions engaged in the prevention of drug abuse. In that regard, the Republic of Croatia has concluded treaties with the Republic of Slovenia and Italy on cooperation in combating terrorism, drug trafficking, drug abuse, and on the legal trade in psychotropic narcoti[illegible] The programme "Prevention of Drug Abuse among Schoolchildren in Zagreb an[illegible]orb[illegible]n Areas in Croatia", approved by the Ministry of Health and supported b[illegible] U[illegible]EF, has been introduced at the level of clinic hospitals (departments for [illegible]ts).

299. The Parliamentary Committee for Labour, Social Policies, Health, Family and Youth is concerned, among other things, with the issues of marriage, family, guardianship, protection of children, maternity and youth, family planning and demographic policies, health care and the health-care system.

4. Social security and benefits of child-care services and facilities (arts. 26 and 18, para. 3)

300. Child allowance is a direct form of social assistance to families of workers and persons who are by law equal to them with low personal incomes (retired persons, persons who receive unemployment allowance), in order to help them support and bring up their children. The child allowance is thus the social corrector of wages, pensions, unemployment allowances and financial assistance to the poorest families with children. The main dilemma concerning this right is how to make it serve the "pro-natality policy" since there are very limited finances. The main question is how to achieve the aim that every child becomes a beneficiary of this right (i.e. regardless of working status of parents and household incomes) and how to achieve the level at which the main needs of every child would be fulfilled. In 1992, 208,414 persons received child allowances.

301. Comprehensive care for children is also provided by preschool institutions: infant nurseries (for children aged between 1 and 3) and kindergartens (for children aged between 3 until the time they go to school). These institutions serve the needs of working parents by assisting them in taking care of and bringing up their children, while the child is provided with good conditions for his or her development. Professional work in these institutions is provided by preschool pedagogues.

302. Recently, religious communities and individual private persons, besides municipalities, have been allowed to establish preschool institutions and they offer different approaches to work with children, such as Waldorf, Montessori, Reggio, etc.

303. The State takes special care of improvement of educational programmes in kindergartens and provides every child with a free minimum preschool programme, the so-called "little school" in the year prior to the year in which the child starts school. The City of Zagreb especially supports the programmes for early learning of foreign languages, starting with 4-year-old children. In general, programmes for early learning by which children very early start developing their skills and capabilities, such as sports and dance activities, have been on the rise. There are various playrooms in libraries, museums and theatres.

304. The share of children who are included in preschool programmes is still very low - 30 per cent of all preschool children, mostly in large cities. This is understandable since there are many more working parents. Efforts are being made to get, on the basis of new documents on development of preschool activities, the support of the State for a unique development strategy for the entire territory of the Republic of Croatia so that every child would have access to one preschool programme important for the development of the child, fulfilment of his or her needs and the overall improvement of the quality of life and the environment in which the child lives. Since it would require a considerable financial commitment from the State, the draft law obliges local self-governing units to adopt long-term plans for increasing the funds for preschool children.

305. By connecting the two functions of helping parents and helping children, preschool institutions become an important factor in the pro-natality policy, and comprehensive actions thereof have just been announced.

5. Standard of living (art. 27, paras. 1-3)

306. Persons covered by obligatory health insurance have, among other things, the right to sickness allowance during sick leave and to assistance in the purchase of a layette. A health insurance beneficiary has the right to sickness allowance if he or she is, among other things, assigned to care for a child, temporarily unable to work due to pregnancy or the use of obligatory maternity leave, temporarily unable to work due to the use of additional maternity leave, adopter's leave or the right to part-time work up to age three of the child.

307. Sickness allowance in case of the care for a sick child, pregnancy and the use of obligatory maternity leave is paid for the period between the first day and the expiry of obligatory maternity leave from the funds of the Croatian Health Insurance Institute. The right to sickness allowance covers up to 12 work days for any illness of a child up to age 7, but can be extended if a physician of primary health care decides that it is justified, however only up to 30 workdays.

308. Sickness allowance due to an accident at work or occupational disease is paid by the legal or physical person employing the insuree, until the insuree is able to work again or until the final decision of the competent authority on the insuree's disability, except in the case of bankruptcy proceedings. In that case the allowance is paid by the Croatian Health Insurance Institute.

This is important because these rights can be exercised by disabled pupils and students, children and youths during practical training. They are wider than the rights of an insuree as family member.

309. Sickness allowance amounts to 100 per cent of the salary during sick leave due to diseases and complications during pregnancy or delivery, during obligatory and additional maternity leave, adopter's leave and part-time work up to age one or three of the child or due to the care for a sick child younger than three.

310. Assistance for the purchase of layette is paid to the insuree from the budget of the Republic of Croatia in the amount of two lowest basic salaries in the month for which the assistance is paid.

311. Children up to age 15 and insurees in the case of maternity care do not participate in health-care costs (art. 50, para. 3).

312. Although all Croatian citizens have these rights, not everyone is able to exercise them in the same way. The situation is the worst in the so-called United Nations Protected Areas, i.e. temporarily occupied territories of the Republic of Croatia, and near the front line, where the medical infrastructure has been widely and intentionally destroyed and damaged. The implementation of these rights is impeded by the mass migration to Croatia caused by the war of conquest (the number of refugees and displaced persons in relation to the native population has reached world record!). It is worth mentioning that the majority of refugees belong to the population groups which are the most protected by any social legislation in a wider sense (women, children, the elderly); 56 per cent of the refugees in the Republic of Croatia are children or youths, 22.4 per cent women, 13 per cent above 60. Only 9 per cent belong to the group which is not specially protected.

313. Refugees in the Republic of Croatia have the rights to cost-free primary health care and immediate medical aid at all levels. From May to December 1992, US$ 19,038,124 were paid for hospital costs of refugees and $15,018,023 from January to October 1993. Primary health-care costs, which are even higher than hospital costs, have not been included in this figure.

314. In the Republic of Croatia, per capita income has so far been represented as national income (net wages and surplus product). It was $1,813 in 1992 (the calculation was made on the basis of annual statistical reports. As no reports have been received from the areas hit by war, 1992 data are incomplete). With the implementation of a new tax system, from 1994 on, records will be kept in accordance with world standards and data will be represented as gross personal income.

G. Education, literacy and cultural activities

1. Education and practical training (art. 28)

315. The Constitution stipulates that each child has the right to develop his or her personality fully and harmoniously, full responsibility for that lying with the child's parents. They have the responsibility to bring up, support and educate the child and decide freely and independently about his or her

upbringing. It is considered in the child's best interests to grow up and develop in the family, which is under special protection of the State according to the Constitution.

316. Primary education is compulsory and available free to all children. Secondary and university education are accessible under equal conditions. There is a general view that a child must be enabled to receive education that best suits his or her personal abilities, as this is in his or her best interests. So far this right of the child has been implemented through the division of curricula into those for average and those for handicapped children. In the last two years there has been a lot of discussion about pedagogical and school pluralism, opening of diverse schools and using different curricula and syllabuses at all education levels from preschool to university. The process of replacing a single ideology and the old monolithic school system has been slowed down by the war and the difficult economic situation in Croatia. However, laws are being passed with a view to widening the choice of schools, faculties, pedagogical concepts and educational methods.

317. The child has the right to a healthy life and a healthy environment. According to the Constitution the State is obliged to secure this in order to guarantee the child's safety. It must be guaranteed not only in the family but also in schools, kindergartens and other institutions admitting children from age one until school age for a whole-day stay. As the number of such institutions is not sufficient, priority is given to children both of whose parents work, children supported by only one parent and children from families with a low income. Preschool programmes are supposed to enable the development of every child to the fullest potentials and a safe and healthy childhood, as well as to alleviate bad social, economic, cultural and other influences.

318. Curriculum and syllabuses define obligatory and optional subjects, their distribution by grades, the number of lessons in a week and extracurricular activities. Schools are obliged to offer their pupils optional subjects. Pupils have the right to choose them according to their preferences. Weak pupils can attend make-up classes, good pupils supplementary classes. Primary education lasts eight years and is, as a rule, obligatory for all children from age 6 to 15. For primary education for disabled children individualized methods are used and additional expert assistance provided. If it is necessary, education is provided in separate groups of classes within the school. Seriously disabled children attend specialized schools. They can go to school up to age 21. Talented pupils are provided programmes in accordance with their talent and can finish primary school in less than eight years.

319. New legal regulations provide for the possibility of opening private primary schools and primary schools with alternative programmes.

320. The government budget covers the costs of national competitions of talented pupils, national seminars and conferences, experimental programmes, informatics, methodics and other workshops and foreign language courses for small children. Material costs are covered from the country's or from the Government's budget.

2. Objectives of education (art. 29)

321. The quality of life in preschool age is important for the development of the child's personality, talents and abilities. A new preschool education programme (document from 1991) is directed to the development of the child's personality to the fullest potentials and the quality of the child's life. Creative abilities of the child are to be encouraged, as well as his or her curiosity and active relation to the environment, perception and imagination, socialization, sympathy, readiness to help others, tolerance, speech and other forms of communication, sensibility for music and other arts. These aspects form the humanistic development concept used by preschool teachers.

322. New documents on preschool education pay special attention to parents. Their natural right to decide about their child's upbringing is supported: they are given more opportunities to choose the programme, they can participate in the work of the kindergarten, spend time in the group together with their child. New programmes are being worked out for joint cultural and recreational activities of children, parents and teachers.

3. Leisure time, recreation and cultural activities (art. 31)

323. Great importance in the school system is attached to new concepts and strategies concerning extracurricular activities in school and outside school. Young people's leisure time should be organized in such a way as to enable each individual to develop and fulfil his or her talents, abilities, interests and preferences.

324. Extracurricular activities are organized in order to provide for a complete and successful education of the young generation and their active involvement in social and cultural life of their environment, recognize their personal and social interests in time, direct and develop their abilities, talents and preferences, and provide for active relaxation, recreation, play and leisure. Extracurricular activities are a part of the regular school system. They can be social, cultural, art, scientific, research, technical and informatical, economic, sport and recreational, humanitarian, etc. Extracurricular activities organized in school and outside school are voluntary.

325. Extracurricular activities are a part of primary and secondary schools' curricula on one hand and of the programmes of other organizations and associations at local and central level on the other hand. Approximately 90 per cent of pupils are involved in extracurricular activities: additional activities, groups, clubs or activities connected with occasional programmes or actions. Extracurricular activities use methods which are modern and free of discipline and routine and which respect the needs of the participants and encourage their imagination and creativity.

326. Around 20 per cent of pupils take part in competitions, gatherings and festivals, which are organized in schools and at the regional or central level. These activities show the results of pupils' work, paying special attention to talented pupils. The most important are the gatherings of primary and secondary school pupils in the area of language and expression ("LIDRANO" - literature, drama and journalism), competitions and gatherings in

the area of natural sciences and mathematics ("Science to Youth" movement in mathematics, physics, chemistry, biology and astronomy), competitions of young informaticians and between the clubs of young technicians, competitions in foreign languages, film and folklore festivals, competitions of choirs, sports contests, etc.

327. Over 30 per cent of pupils engage in an organized activity outside school, which shows that a large number of children and youths spend their free time in a constructive way. The majority of children and youths participate in an art workshop, club or society. These programmes, taking place regularly, are carried out by organizations and institutions other than schools. They are financed partly from the Government's resources and partly by a moderate participation of participants.

328. The Music Youth Organization, youth theatres, centres for creative youths, cultural and art societies encourage young people's interest in art and have the greatest influence on extracurricular activities in school. Programmes depend on the pupils' age, interests, preferences and abilities. The most developed are visual arts, music and theatre programmes. Ballet, dancing and music schools as well as visual arts academies aim at encouraging interest in art as well. There are organizations which offer season tickets and subscriptions for theatres, concerts, exhibitions and museums, the members of which are pupils participating in the clubs of music, theatre, museum lovers, etc. Competitions, gatherings, festivals and other events are organized for pupils with excellent results in schools and as extracurricular activities, in which they can present their achievements in art.

329. There are other organizations in which youths can spend their time in a constructive way. Professional and other associations offer programmes for those interested in informatics, natural sciences, economics, etc. and organize gatherings in workshops, centres and schools, seminars, expeditions, visits, forums, etc. These are, among others, the Croatian Technical Culture Society, associations of astronomers, biologists, mathematicians, informaticians, ecologists, technical culture centres, open universities and "Our Children" societies.

330. A large number of organizations offer children and youths recreative and amusement programmes and organized vacations. They are central but have regional offices. Young people use their programme by becoming members. The most important are: Croatian Scouts Association, Croatian Mountaineering Society, Croatian Youth Travel Association, Union of "Our Children" Societies. Many of them have facilities in which organized summer and winter vacations can be spent and in which recreational activities take place. Some organizations engage in humanitarian work and directly help socially handicapped children and youths. The Croatian Red Cross also plays an important role in this area.

331. Summer schools, exploring camps, workshops and other events for young people are organized during summer vacations. The International Centre of the Croatian Music Youth offers different art programmes for young people. Summer schools for astronomers, biologists, physicists, chemists, mathematicians, informaticians, linguists, drama, visual arts, film and music workshops are organized. The quality of these programmes, organized chiefly by professional

associations and headed by experts in different fields, conforms to European and world standards. They offer young people a chance to express their creativity to the fullest. Different festivals for young people and spring workshops take place, during which pupils' works are exhibited and at which specialized programmes for talented pupils are offered.

332. In accordance with the child's right to free time and recreation, the law poses no restrictions on the use and purchase of pyrotechnical devices devised as playthings for children. Minimum security regulations in the production and sale of toys for young children, the use of which could harm the child's health and endanger his or her life, have not been standardized in Croatia yet. This should be one of priority subjects of future laws.

H. Special protection measures

1. Children in exceptional situations (arts. 22 and 38)

333. The rights of displaced persons and refugees are regulated by the Law on the Status of Displaced Persons and Refugees. The Law regulates basic rights and obligations following from this status. The status of a displaced person is given to a person who has left his or her place of residence within the Republic of Croatia, located in an area hit by war, at his or her own initiative or through the municipality civil defence headquarters, the Croatian Red Cross or a social work centre, and following an assessment by the police authorities or the relevant Croatian Army headquarters, in order to escape mortal danger due to the aggression and other armed operations and to escape to the free territory of the Republic of Croatia. A refugee in the sense of this Law is a Croatian citizen who has escaped abroad.

334. The Republic of Croatia gives refugee status to all persons who have escaped to the territory of the Republic of Croatia from another country in which their freedom or life was endangered. The Republic of Croatia has ratified all conventions concerning refugee status and respects them fully.

335. Consent for the issue of permissions for entry to and temporary residence in the Republic of Croatia as well as of transit permissions for the Republic of Croatia is given by the Government Commission for the Issue of Entry and Temporary Residence Permissions to Refugees in the Republic of Croatia, whose chairman is at the same time the head of the Office for Displaced Persons and Refugees of the Croatian Government. All expert and administrative work is done for the Commission by the above-mentioned office of the Croatian Government. When applications for entry, temporary residence and transit permissions for the Republic of Croatia are considered, priority is given to requests for reunification of family. Such requests are decided as quickly as possible, depending on the number of requests received. At 30 July 1993, 12,494 applications for entry or temporary residence in the Republic of Croatia had been received; 17,895 applications for transit permission for the Republic of Croatia were received in the same period.

336. The total number of registered displaced persons and refugees accommodated in the Republic of Croatia is 523,544 (276,303 refugees and 247,241 displaced persons). There are 56,712 refugee children (calculation on

the basis of a sample of 147,707 refugees); 12,314 children do not attend school. There are 62,546 displaced children (calculation on the basis of a sample of 211,770 displaced persons).

337. The Republic of Croatia gives refugees and displaced persons accommodation, primary health care, education for children and monthly financial assistance to enable them to organize their life themselves. The majority of refugees and displaced persons are accommodated in hotels and other tourist accommodation facilities and in refugee centres (prefabricated houses), while some live in private households. The Republic of Croatia is not able to accommodate and care for any new refugees and therefore calls on all the world countries to help accommodate refugees, who are, unfortunately, still arriving from Bosnia and Herzegovina.

338. The following table shows the number of refugee and displaced children up to age 18:

Age	Displaced children	Refugees	Total
Preschool	17 835	16 901	34 736
Primary school	29 898	26 588	56 486
Secondary school	14 813	13 223	28 036
TOTAL	62 546	56 712	119 258

339. Military service in the Republic of Croatia is regulated by the Defence Law. Military service includes enlistment, service in the regular and service in the reserve army. A person is subject to recruitment from the calendar year in which he attains the age of 17. Recruitment includes medical and other checks and psychological tests in order to test fitness for military service or community service. A person is recruited in the calendar year in which he attains the age of 18. He may be recruited in the calendar year in which he attains the age of 17 if he files a written request for that. Recruits declared fit for military service by the recruitment board are sent to military service in the calendar year in which they attain the age of 19. In the event of imminent threat to the independence and integrity of the Republic of Croatia or in the event of war, the President of the Republic can decree the recruitment of persons who have attained the age of 16 years and military service of recruits at age 17. In spite of large-scale war operations on the territory of the Republic of Croatia against a much better-equipped enemy, the President has not used the above-mentioned legitimate authority.

340. The Defence Law of the Republic of Croatia stipulates that in the event of war, imminent threat to the independence and integrity of the Republic of Croatia or in exceptional circumstances, the armed forces can be joined by volunteers, i.e. persons not subject to military service. A person not subject to military service may freely decide whether to volunteer for the armed forces. At the beginning of the war a number of persons above 17 years of age who had not been recruited nor had served the army, joined the armed units of the Croatian Army of their own accord. According to the information

available to the competent authorities, these persons were released from the army and sent for recruitment and military service in compliance with the above-mentioned legal provisions.

341. The Republic of Croatia has consistently abided by article 38 of the Convention on the Rights of the Child.

2. Juvenile delinquents (arts. 37 and 40)

342. The current Law on Criminal Procedure provides for a special procedure for persons who have committed a criminal offence and are below 21 years of age when the criminal procedure is initiated. A person under age cannot be judged in his or her absence. During the criminal procedure he or she must be treated with care and respect for the state of his or her mental development, sensibility and specific qualities in order to avoid bad effects on his or her development.

343. A person under age must be defended by a lawyer. No one can be exempted from the duty to give evidence on facts concerning the state of mental development of the person under age, his or her personality and living conditions.

344. If during a criminal procedure it is established that the person under age was below 14 years when he or she committed the criminal offence, the procedure is suspended and the competent social welfare service informed of it. A social welfare service has the right to get insight into the procedure against a person under age, make proposals and hint at facts and evidence which could lead to a correct decision. The public attorney informs the competent social welfare service on any procedure initiated against a person under age.

345. A person under age is summoned to court through his or her parents or legitimate representative. Facts concerning a criminal procedure against a person under age and the decision made in that procedure must not be made public without the permission of the court.

346. A principle applied to procedures against persons under age is that they should be subject to certain social service measures. When the public attorney decides that for certain reasons it is not appropriate to initiate a procedure against a person under age, he or she informs the social service and the injured party about it, giving the reasons for the decision. The social service and the injured party can within eight days request the council for juveniles to decide on the initiation of a procedure.

347. If the public attorney decides in the course of the preliminary procedure against a juvenile that a procedure would be inappropriate, he or she proposes to the judge for juveniles to suspend the procedure. In 1992 the public attorney gave up the prosecution of persons under age in 176 cases because he deemed it inappropriate and the procedure was suspended and a criminal procedure against a juvenile was suspended under legal conditions at the request of the public attorney in 490 cases.

348. Procedures against juveniles are always closed to the public. Lay judges as members of the council for juveniles are elected from among secondary school, primary school and preschool teachers and other persons with pedagogical experience.

349. The following educational measures can be imposed against a juvenile delinquent: disciplinary measures, intensified supervision or being placed in a reformatory. Disciplinary measures are taken against juveniles against whom it is not necessary to take long-term educational measures, or who have committed a criminal offence due to negligence. Juvenile delinquents against whom it is necessary to take long-term educational measures, reformatory measures or medical treatment under appropriate supervision but who do not need to be completely isolated from their earlier environment are placed under intensified supervision. Juvenile delinquents against whom it is necessary to take long-term educational measures, reformatory measures or medical treatment and who need to be completely isolated from their earlier environment are placed in a reformatory (for five years at the most).

350. The law can punish only a juvenile above 16 who has committed a criminal offence for which the law prescribes more than five years of prison and the consequences of which are so serious that it implies a very high level of criminal responsibility, so that educational measures would be inappropriate. A prison sentence for a juvenile cannot be shorter than 1 year nor longer than 10 years. A juvenile above 16 cannot be sentenced to a prison sentence longer than the sentence prescribed for the offence he or she has committed. The shortest sentence is not prescribed. In the Republic of Croatia a final prison sentence was pronounced for 15 juveniles in 1992.

351. A law on juvenile jurisdiction is in preparation. It will regulate the entire issue of juvenile delinquency, educational measures and court proceedings against juveniles who have committed a criminal offence.

3. Children victims of exploitation; physical and psychological recovery and social reintegration (art. 39)

352. The Constitution of the Republic of Croatia provides for the duty of all to protect children. A child cannot and must not be admitted to any work that is likely to be harmful to his or her health or moral development. The Labour Relations Fundamental Rights Act stipulates that a person who has attained 15 years of age and who is in good health can be employed. A worker under 18 enjoys special protection at work. He or she must not perform hard physical work, work below the ground or water, or any work likely to harm his or her health or endanger his or her life. The Law on Work Safety contains the same provision.

353. The law prohibits persons under 18 from working overtime. A full working week for a person under 18 is 36 hours. Night work between 10 p.m. and 6 a.m. is prohibited to a juvenile working in industry, civil engineering or traffic. If it is in the general interest due to extremely difficult conditions, a worker under 18 can be assigned night work under the same conditions as other

workers. A worker under 18 must have at least 25 days' annual vacation. Persons under 15 years of age are prohibited from performing any work, even temporary or periodical.

354. The problem of the illicit use of narcotic and psychotropic substances is present in Croatia, although to a lesser degree. With a view to preventing juvenile use of drugs, in 1991, 1992 and the first three quarters of 1993 the Croatian Ministry of Internal Affairs recorded the total number of criminal offences and juveniles reported for the criminal offence of unauthorized production and trafficking of drugs and of enabling the use of drugs.

355. There is a government commission with the task of combating the abuse of narcotics and psychotropics. A wide range of activities aimed at the education of the youngest in this field are taking place (lectures for primary and secondary school teachers, forums, etc.). Since 1993 the police applies the United Nations Standard Minimum Rules for the Administration of Juvenile Justice in their work with young people.

356. According to the data available to the Public Attorney's Office of the Republic of Croatia, the number of reported criminal offenders rose by 42.3 per cent in 1992.

357. The reintegration of psychoactive drug users is one of the tasks of the Public Health Centre, established in 1978 within the Croatian Public Health Institute. It gathers, processes and analyses data about persons who were hospitalized for the use of psychoactive drugs or drug addiction. The aim of the Centre's activities is to survey the spread of drug abuse in the community. However, the majority of psychoactive drug users are not registered in medical institutions at all. Data on drug addicts treated on an outpatient basis and children drug addicts are, unfortunately, still missing. Their systematic gathering is still in preparation. An insight into the issue can be gained through other branches (justice, police etc.). The number of persons treated rose somewhat in 1991 but fell again in 1992. In 1992 the number of children drug addicts grew by 2.8 per cent.

358. Due to the war drug addicts stopped coming for treatment regularly. Their share was only 2.5 per cent (10 persons) in 1992, while in 1985 it was 22.6 per cent (79 persons) and in 1988 10.4 per cent (38 persons).

359. Treatment in general includes all activities aimed at bringing an addict back to normal social life. It is important to consider medical treatment, rehabilitation and social reintegration as mutually dependent parts of a process the purpose of which is directing a narcotic drug user to a more rational and healthy way of life.

360. The war has doubtlessly caused a rise in risky behaviour (broken homes, the feeling of hopelessness etc.), which will probably result in a rise in unsocial behaviour in general.

361. The education on the dangers of drug abuse is extremely important for the prevention of experimenting with narcotics. Basic prevention is the task of the family, schools, religious organizations and the society in general. School should not only transmit knowledge but also cultural traditions. It

NUMBER OF CRIMINAL OFFENCES AND REPORTED JUVENILES IN THE REPUBLIC OF CROATIA
(ARTS. 196 AND 197 OF THE BASIC CRIMINAL LAW)

Criminal offence	1991				1992				Jan.-Sept. 1993			
	No. of criminal offences		reported		No. of criminal offences		reported		No. of criminal offences		reported	
	juveniles	children	juveniles	children	juveniles	children	juveniles	children	juveniles	children	juveniles	children
Unauthorized use and trafficking of narcotics	8	-	5	-	17	-	10	-	19	1	19	-
Enabling the use of narcotics	9	-	5	-	54	-	11	-	17	1	10	-
TOTAL NO. OF ALL CRIMINAL OFFENCES IN CROATIA	5 744	1 891	2 742	774	9 994	3 066	4 667	1 344	6 220	1 696	3 556	1 093

influences the personality, viewpoints and values of a young person. Medical experts must keep informing teachers about the problem of drug abuse and enable them to inform pupils.

362. Methods that have to be used at an early stage of drug abuse are advice by a parent, teacher or school doctor, intensified care by the community and a warning by the police. They are in some cases sufficient to stop young experimenters and recreational drug users from using drugs, regardless of the sort of drugs, and do not result in any serious consequences for the young person. For such youths it is fruitless to arrest them or send them to any kind of treatment, particularly psychiatric, for it could result in their permanent stigmatization and marginalization. As a form of unspecific prevention it is extremely important to involve young people in different activities, e.g. sports, music, art and other creative activities, and to provide appropriate conditions for them. Directing the interests of young people towards these areas enables them to satisfy their juvenile need for winning a position in the environment in an activity other than of experimenting with drugs.

363. An alarming fact is that there are persons under 15 among patients being treated for drug addiction (3 addicts) and that the share of patients treated for drug addiction below 20 years of age grew to 17.7 per cent (52 addicts).

Sex and age of addicts treated in in-patient clinics in 1991 and 1992

AGE	1992						1991	
	men		women		total		total	
	No.	share (%)	No.	share (%)	No.	share (%)	No.	share (%)
up to 15	3	1.0	-	-	3	0.8	-	-
16-20	56	18.0	12	13.3	68	16.9	52	12.0
21-25	72	23.0	15	16.7	87	21.6	116	26.7
26-30	57	21.5	21	23.3	88	21.9	118	27.2
31-35	45	14.4	10	11.1	55	13.7	55	12.7
36-40	29	9.3	13	14.4	42	10.4	41	9.4
above 40	39	12.5	17	18.9	56	13.9	50	11.5
unknown	1	0.3	2	2.2	3	0.8	2	0.5
TOTAL	312	100	90	100	402	100	434	100

364. Out of the total number of addicts treated in 1992 (402), 6.7 per cent (27) were schoolchildren. According to the data available to the Public Health Centre, 12.1 per cent of the addicts who died in 1992 were juveniles aged between 16 and 20.

365. Within the anti-alcoholic campaign, various counselling centres and centres for the treatment of alcoholics were founded. An encouraging fact is that no children treated for alcoholism have been registered. According to the data available to the Ministry of Internal Affairs, the number of children who committed the criminal offence of alcohol use is very small (three in 1991, one in 1992, two in 1993).

366. Criminal legislation regulates a number of criminal offences against honour, reputation and dignity, with emphasis on juveniles as the injured party (victim).

367. Prostitution is an offence against public peace and order. Although the registered number of juveniles engaged in prostitution is small in comparison to the total number of juvenile delinquents, it has increased sharply in the past few years. No case of prostitution was registered in 1991, while there were 9 cases in 1992 and 13 in the first three quarters of 1993. A great deficiency in the legislation is the non-existence of regulations which would prohibit access to video-clubs and pornographic shops to children.

368. Criminal legislation provides for at least three years of prison for the crime of abduction or blackmail. Unlawful non-return of a person under age is punished with three months to three years of prison.

4. Children belonging to minorities or indigenous groups (art. 30)

369. Article 30 of the Convention guarantees to children belonging to a minority or who are of indigenous origin the same rights as those generally guaranteed to any minority under article 27 of the International Covenant on Civil and Political Rights. A child has the right to enjoy his or her own culture, to profess and practise his or her own religion and to use his or her own language "in community with other members of his or her group", including the adults. That is why this report will not be able to provide a comprehensive picture of the child's rights in Croatia pursuant to article 30 of the Convention on the Rights of the Child, so the Croatian reports related to the treaties on human rights should also be taken into account. Many cultural institutions of minorities, publications in their language, the activities of religious organizations or the legislation governing the public use of minority languages are achievements serving a minority as a whole, including its members of all ages.

370. The Republic of Croatia has 16 minorities. Their number (according to the 1991 census) ranges from 214 (Austrians - 0.05 per cent) to 571,673 (Serbs - 12.936 per cent). Croatia has no population of indigenous origin in the sense in which the term is used by the United Nations.

371. The Croatian Constitution has proclaimed the equality of all persons belonging to any ethnic community or minority. The members of any ethnic community or minority are guaranteed the freedom to express their ethnic identity, the free use of their language and script and cultural autonomy. These constitutional principles have been elaborated (and are being further elaborated systematically) in many laws and sub-laws. However, of special importance is the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of

Croatia of 4 December 1991. Along with the reiterated guarantee of the right to cultural autonomy, the said Constitutional Law guarantees to the members of all ethnic and national communities or minorities (hereinafter called "members of minorities") the right to their identity, culture, religion, public and private use of their language and script, and education.

372. In respect of education the Constitutional Law particularly regulates the general rights of minorities in all parts of Croatia, irrespective of their number and regional concentration, whereas special rules apply to the minorities living in areas where they make up a majority of population.

373. Education and schooling of the members of minorities are practised in kindergartens and schools in their own language and script, based on special curricula containing a fair share of their history and culture, if so requested by them. The curriculum linked to the national identity of pupils is defined by the responsible authority at the proposal of the Government's Office for Inter-Ethnic Relations. Such curricula have already been prepared at the primary school level for the Italian, Hungarian, Czech, Slovak, Ruthenian and Ukrainian minorities, and in addition, at the secondary school level, for the Italian, Czech and Hungarian minorities. The Ministry of Culture and Education of the Republic of Croatia and the Serbian Cultural Society "Prosvjeta" have agreed on the procedure and timetable for preparing a curriculum for the members of the Serbian minority in Croatia, expected to start in the school year 1994/95. The extent and content of curricula not linked to the national identity of school attendants are the sole responsibility of the authority in charge of education. Minority programmes are financed from municipal funds, but also by the State.

374. Towns and other places with a sufficient number of school attendants will organize special schools or separate classes with courses conducted in the language and script of the minority concerned, if so requested. If it is impossible, due to the small number of pupils, arrangements will be made for separate classes where subjects relevant to the national identity of school attendants (language, literature, history, etc.) will be taught by teachers of the same nationality, if so requested by the schoolchildren's parents. Additional measures, independent of the number of the members of the minority concerned, are envisaged for those whose number has been forcibly reduced as a result of the Second World War.

375. Eleven municipalities in Croatia, where the Serbian minority is more than half the local population, are divided into two districts (Knin and Glina) which enjoy a special self-government status (autonomy). The rules generally applying to curricula and the funding of schools using minority languages, as described above, also apply to these districts. However, in addition to these general rights, the competent authorities of these districts are independent in their decisions concerning the establishment of cultural, scientific and educational institutions of district importance, including secondary school education. The District Assembly is also entitled to pass regulations in accordance with the law on kindergartens and the construction of schools.

376. The mentioned regulations provide a broad and sound legal basis for the education of children belonging to minorities, with full respect for their cultural, linguistic and religious identity. As is the case in many other

States, the actual measures being taken for protection and promotion of their rights under national legislation and in compliance with international standards depend on many things, such as the number and geographic distribution of minorities, their needs and requests, the economic potential of the country in which they live, etc. In Croatia, too, there are great differences among minorities in terms of their number, concentration, level of education, the length of their history in Croatia, the degree of organization, etc. However, what makes Croatia different today in this respect from most other States is the fact that three years ago a war was waged against it, with the "ethnic cleansing" directed not only against Croats, but also against many minorities largely concentrated in the war-affected areas. Thus many Hungarians, Ruthenians, Romanies, Slovaks and others have been expelled from their homes in Baranya and parts of Slavonia, for example 50 per cent of Ruthenians and Ukrainians out of a total number of 6,000. The whole educational system based on Ruthenian and Ukrainian languages is inoperative, with their schools and preschool institutions destroyed or devastated, their teachers gone, libraries non-existent. The displaced members of minorities share the fate of the displaced Croats in the free parts of Croatia or live as refugees in the neighbouring or distant countries.

377. Unfortunately, a part of a minority in Croatia, the Serbian minority, joined the aggression against their country, the Republic of Croatia. Together with various paramilitary groups and mercenaries from Serbia and Montenegro they still prevent the legal Croatian authorities from establishing the legal system in areas controlled by United Nations forces (UNPROFOR). It is in these areas that the above-mentioned districts, assigned a special autonomous status under the Constitutional Law, are located. But at present the Republic of Croatia can in no way assist in the eduction of the Serbian children, let alone the few remaining Croatian children there.

378. The Italian minority can boast of the most advanced educational system in Croatia. In the area of Rijeka and Istria there are 24 Italian kindergartens with 723 children attended to by 50 nurses. The Italian minority has 18 primary schools with 2,011 pupils and 300 teachers plus 4 secondary schools with 888 pupils and 150 teachers. Tuition is given in the Italian language only, whereas Croatian is taught as the language of the social environment. The needs of the Italian minority are also covered by the Pedagogical Faculty in Pula with 47 students attending courses in school and preschool education as well as Italian language and literature. It should be noted that almost a third of the total number of children attending Italian kindergartens and schools are not members of the Italian minority.

379. The Czech minority has 2 kindergartens with 10 nurses and 147 children and 3 primary schools with 56 teachers and 301 pupils where tuition in all 4 forms is given in the Czech language only. In 10 other schools subjects are taught in Croatian with extra courses in the Czech language, culture and history. These schools are attended by 621 pupils and run by 14 teachers. The Daruvar grammar school includes a class where 21 pupils learn the Czech language and study the Czech culture and history. The introduction of Czech studies in some secondary polytechnic schools is under way.

380. A total of 473 pupils, members of the Slovak minority, with the aid of 7 teachers, learn Slovak as an optional subject in 5 primary schools.

381. Following the exodus of the Hungarian minority from Baranya, education in the Hungarian language is conducted within 16 primary schools in Osijek. Courses in the Hungarian language, culture and history have been organized in 5 more places with 42 classes comprising 768 pupils.

382. After the above-mentioned destruction of Ruthenian and Ukrainian schools in the occupied parts of Croatia a 10-day "summer school" was organized in Zagreb for 97 pupils belonging to these minorities. Arrangements are being made for full-time education in their respective languages at three places.

383. The Jewish community of Zagreb keeps a kindergarten for 25 children. Hebrew and religious courses are also organized.

384. The schooling of the Romany children poses a series of specific problems, ranging from the lack of Romany teachers to the fact that the Romany children have extreme difficulties in following the school courses in the Croatian language.

385. Full implementation of article 30 of the Convention, as well as the Croatian regulations concerning the rights of children belonging to minority groups, will be feasible only once the effects of the war have been eliminated and the legitimate authority of the Republic of Croatia restored in the occupied part of the State within UNPAs. Only then will it be possible to bring the expelled members of minorities back to Baranya, the rest of Slavonia and other occupied areas, and to renew and upgrade all types of education as they existed before the war for the Hungarian, Ukrainian, Ruthenian, Slovak and other minorities. Following the liberation of these regions, especially the two districts assigned a special self-government status, where the Serbian minority is a majority of the local population, it will be possible to establish the educational system for the children belonging to the Serbian minority in conformity with the Constitutional Law.

386. A complete end to the war will enable Croatia to pay proper attention to all other areas and allocate more funds to special forms of education needed for the minorities which were not considered minorities in the former Yugoslavia and enjoyed no special rights outside their republics of origin: Slovenes, Muslims, Albanians, Macedonians, Montenegrins, as well as those, Austrians and Germans, which were considered "objectionable".

387. The Croatian policy is to provide for all minorities conditions for education and publishing activities in their own language depending on the degree of their readiness for it and interest expressed. The publication of school textbooks intended for minorities will continue for the most part to be financed by the State. For some minorities some of the textbooks are imported from their countries of origin. There are publishing houses in Croatia which publish textbooks for the Italian, Czech, Hungarian, Ruthenian and Ukrainian minorities, whereas such publications will soon be renewed for the members of the Serbian minority.